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Understanding Sovereignty and the US Constitution:
A View from the Massachusetts and Virginia State Ratifying Conventions

Hannah Novotny

Submitted in Partial Completion of the
Requirements for Commonwealth Honors in Political Science

Bridgewater State University

May, 12, 2020

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Chapter One: Introduction

Eighteenth-century American politics does more than simply provide us with the US Constitution. According to Gordon Wood (1991, 32), the stakes of eighteenth-century historical arguments are very high, as they deal with “nothing less than the kind of society we have been, or ought to become.” Barry Shain (1994, xiv) concurs with Wood, arguing that an understanding of the American founding “defines how Americans understand themselves as a historical people, as well as constraining what they might become.” As Wood and Shain indicate, an understanding of eighteenth-century American political thought shapes how we understand our past and informs the decisions we make about our future.

Despite the consensus on the importance of our eighteenth-century political thinking, scholars continue to debate how these political principles should be understood. When considering the question of how we should understand the government created by the US Constitution, scholars take a bifurcated view of what is called the federal/national question. This question concerns where sovereignty is located in the American political system. On one side, federalists maintain that sovereignty resides with the states (Van Tyne 1907; Berger 1987; Bennett 1942). While these scholars disagree with regard to the question of how long America has been committed to federalism, they all agree that American political thinking and practice rejects the idea of national sovereignty. For federalists, America is properly thought of in terms of citizens of sovereign states, independent of each other, who are linked together only by common interest.

In opposition, nationalists maintain that the Constitution is grounded on a commitment to popular sovereignty. In other words, that sovereignty is located in the hands of the American people in their collective capacity (Wood 1977; Breen 1997; Ferguson 2000). Where nationalists

disagree with one another is on the question of where America's commitment to national, popular sovereignty comes from. Answers to this question include the following: 1) nationalism's origins can be traced to our colonial experience (Wood 1998; Rossiter 1966), 2) nationalism developed between 1776 and 1787 (Green 1986), 3) national sovereignty is a completion of the principles of the American Revolution (Diamond 1992), and 4) a consequence of decisions made by the particular delegates to the Constitutional Convention (Wolfe 1977; Onuf 1988; Jensen 1943; Roche 1961).

A third, hybrid approach attempts to reconcile the bifurcated positions on the federal/national question. Here, scholars contend that the ideological struggle between federalists and nationalists is between delegates from small and large states (Diamond 1992; Powell 1987; McDonald 1985). In making this argument, these scholars concur with James Madison in *Federalist* #39 that the Constitution is partly federal and partly national (#39; 199). Maybe more importantly, these scholars take seriously Madison's warnings in *Federalist* #37 about the problems inherent in language. On these problems, Madison writes, "...The obscurity arising from the complexity of objects, and the imperfection of the human faculties, the medium through which the conceptions of men are conveyed to each other, adds a fresh embarrassment" (#37: 183). Here, Madison suggests that the imperfection of language has the effect of rendering complex ideas and concepts more obscure. He writes, "The faculties of the mind itself have never yet been distinguished and defined, with satisfactory precision, by all the efforts of the most acute and metaphysical philosophers" (#37: 182). Thus, if the requisite precision lies beyond the capacities of the "most acute and metaphysical philosophers" (#37: 182), it is reasonable to conclude that this level of precision is beyond the capabilities of the delegates.

Despite their differences, all three bodies of scholarship share a common assumption: that the US Constitution is informed by a coherent understanding of sovereignty. Mogg (2006) analyzes Madison's *Notes on the Debates in the Federal Convention*, and tests the assumption that there is a single, coherent understanding of sovereignty that informs the arguments and decisions of the delegates to the Convention. Employing a methodological approach where she constructs the political positions of each delegate over the course of the entire Convention, Mogg finds that the Constitution is informed by a single, multidimensional theory of sovereignty. Unlike the federalists, the nationalists, and the hybrid camp, Mogg demonstrates that the theory of sovereignty found at the Convention employs a conceptual distinction between principle and derived sovereignty. The first concept deals with the authority from which power is derived and Mogg (2006, 3) refers to this as principle sovereignty. The second concept deals with the exercise of power and is referred to as derived sovereignty (Mogg 2006, 3). The fact that delegates to the Convention employ two competing operationalizations of principle sovereignty explains, according to Mogg, why scholars have not been able to resolve the federal/national tension.

Notwithstanding the persuasiveness of Mogg's argument, it would be premature to conclude that the theory she identifies animates the American political system. This is the case for two reasons. First, her analysis focuses exclusively on Madison's *Notes*. Bilder (2015, 3) concludes that the *Notes* constitute "one man's view of the writing of a constitution..." and not an adequate account of the Constitution's meaning. More importantly, Bilder argues that Madison only returned to the *Notes* in response to the specific challenges faced by the new government and the political ideas of Thomas Jefferson. Thus, not only did Madison revise his *Notes* more than previously thought, the documents were altered throughout the entirety of his life with an

eye to his evolving vision of republican government. One way to deal with the unreliability of Madison's *Notes* is to focus on the reportedly more reliable *Records of the Federal Convention of 1787* by Farrand (1937). Studies using this text are limited because they focus only on the Constitutional Convention of 1787. Drawing a distinction between original intent and original understanding, second, suggests that these studies focus exclusively on the topic of original intent which can be understood as the "meaning the Framers—the delegates who drafted the document in 1787—intended the Constitution to have" (Maggs 2009, 461). In contrast, original understanding can be understood as "what the persons who participated in the state ratifying conventions thought the Constitution meant" (Maggs 2009, 461). As potential sources for understanding the Constitution, James Madison suggests that original understanding is preferable to original intent. Speaking in the First Congress, Madison argues:

[W]hatever veneration might be entertained for the body of men who formed our Constitution, the sense of that body could never be regarded as the oracular guide in expounding the Constitution. As the instrument came from them it was nothing more than the draft of a plan, nothing but a dead letter, until life and validity were breathed into it by the voice of the people, speaking through the State Conventions. If we were to look, therefore, for the meaning of the instrument beyond the face of the instrument, we must look for it, not in the General Convention, which proposed, but in the State Conventions, which accepted and ratified the Constitution (quoted in Maggs 2009, 458-59).

Following Madison's recommendation, this project tests for the presence of the theory of sovereignty found by Mogg (2006) in the Massachusetts State Ratifying Convention (1787-1788) and the Virginia Ratifying Convention (1788).

The remainder of this chapter is organized as follows. The next section provides an overview of the methodological approach used here. The final section contains overviews of the chapters focusing on the Massachusetts (Chapter Two) and Virginia (Chapter Three) Ratifying Conventions as well as the conclusion (Chapter Four).

Methodological Approaches to the Ratification Debates

In looking at the Massachusetts and Virginia Ratifying Conventions, one is presented with two general approaches and both are limited. Scholars studying the state ratifying conventions generally apply the methodologies used by scholars studying the Constitutional Convention of 1787. A standard way to approach the study of the Constitutional Convention is to focus on issues of contention (see Rakove 1987; Diamond 1992; McDonald 1985 & 2004; Powell 1987; Rossiter 1966; Wood 1998; Jilson 1981 & 1988). This means that scholars focus on the understandings of ideas as proposed by the delegates. These scholars study these ideas to have a more robust understanding of the delegate's positions on them. A consequence of this approach is to relegate the delegates to a position of secondary importance behind ideas.

Another approach, one that recognizes the importance of the delegates, emphasizes the role played by political and commercial interests (see Jensen 1943; Onuf 1988; Morgan 1988; Wolfe 1977, Roche 1966; Beard 1935). For these scholars, the Constitution is best viewed as the means to securing personal aggrandizement and not a consequence of any overarching principles or ideas. At the state level, Van Beck Hall (1972) uses quantitative analysis to demonstrate that Massachusetts politics between 1780 and 1791 is driven by socioeconomic influences. In particular, his analysis demonstrates that the split between Massachusetts' coastal economic centers and its inland rural/agricultural regions explains Massachusetts' politics generally and that ratification of the Constitution can be viewed as affirmation of the belief that the Constitution would advance the commercial interests of the state's commercial centers. The problem here is that this approach rejects the idea that ideas matter and only views political actors as being motivated by self-interest. While such an approach does explain a great deal of political behavior, it does not explain all political behavior. In particular, it does not explain

political decisions of monumental significance like ratification. What is needed instead is an approach that takes the individual delegates seriously as well as the importance of political ideas. Mogg does this by examining each of the delegate's arguments and reasoning for or against all issues that arise, looking specifically for insight into their position on sovereignty. While this study will follow the lead of Mogg and examine the delegates on all issues raised, special attention will be given to the indicators of sovereignty identified by Mogg (2006, 7-12). These indicators are summarized in Table 1.

For each delegate, I will take their respective positions on sovereignty and create vignettes that bring together their statements over the course of the entire convention. I will take their respective positions on sovereignty and create vignettes that bring together their statements over the course of the entire convention. Using the vignettes, I will classify the delegates. In particular, I will look to classify the delegates based on their positions on where principle sovereignty is located (people of the United States, people of the particular states, or the state governments) and their view of derived sovereignty (strong national government, strong national government in need of greater checks, and weak national government/strong state governments). Vignettes for classifiable delegates from the Massachusetts and Virginia Ratifying Conventions are provided in Appendix 1 and Appendix 2 respectively.

Table 1: Indicators of Popular Sovereignty and its Two Dimensions		
Popular Sovereignty	Principle Sovereignty	Derived Sovereignty
<ul style="list-style-type: none"> • Election to the First and Second Branches of the Legislature • Selection of the Executive • Qualifications to hold Public Office • Issues dealing with the Admission of New States • Removal of the Executive • Executive Veto • Terms of Office in First and Second Branch as well as Executive • Qualifications to vote 	<ul style="list-style-type: none"> • Ratification through the People or States • Ratification Unanimous or Partial • Payment of Legislature through State or General Treasury • Suffrage in First and Second Branches of Legislature • Election to First and Second Branches of Legislature • Selection of Executive • Selection of Judges • Requirement of Oaths of Office • Position of States at Convention (are they sovereign?) • Use of term National v. Confederate Government • Origination of Money Bills 	<ul style="list-style-type: none"> • The Ends/Purpose of Government • Negative on State Laws • Position on Treaties • Positions on Treason • Inferior Tribunals • Direct Taxation • Taxing Exports • Joint Office Holding (National & State) • Authority to Subdue Rebellion • Uniformity in the Militia

Chapter Overviews

The second chapter of this Honors Thesis focuses on the Massachusetts Ratifying Convention. Despite being a rather large convention, with more than 350 delegates present, the debate was very limited in its discussion of the Constitution. The debate mainly addressed the issues of derived sovereignty and, more specifically, Article I, Section 8. Beyond this, however, the debate did cover more topics, just to a lesser extent than derived sovereignty. In terms of principle sovereignty, the delegates were mainly in agreement that the people should hold this power. Following Shays Rebellion and other atrocities committed under the Articles of Confederation, including the general understanding that the Articles were insufficient to the needs of the people, the people of Massachusetts were wildly interested in having the people be the sole principle to the general government rather than the state governments. The fear of the current political climate and the general understanding across society that the state governments alone were insufficient in protecting the will of the people was enough fuel to convince most of the delegates to the Massachusetts convention that the people should be principle. To this end, they mainly agreed that the people should be principle, but some delegates did propose an alternate understanding that the people of the state should be principle. More abstract thinking in terms of what government should look like is seen in Massachusetts than in Virginia. The main source of tension in Massachusetts in this convention was with derived sovereignty. The delegates greatly disagreed on the extent of power which the general government could hold, most delegates finding issues with Article 1 Section 8 in particular. The idea that Congress should hold the powers of both the purse and the sword was too much for many delegates, and they thought that these rights should either not be vested to the same branch of government or they should have more sufficient checks on them if they are going to remain in the document.

The delegates who held the understanding that these two powers should not be vested in the same body, or in the general government at all for that matter, mostly voted against ratification. Those delegates who held the latter position, however, that more checks on this power would be necessary, developed the idea of adding amendments to the document. The most important thing to come out of the Massachusetts convention was this idea of adopting amendments. The idea that a sort of bill of rights should be included in the Constitution originated from this convention, and it had the ability to change the votes of some delegates from opposed to voting to in favor of ratification sway votes against the document to instead vote to ratify, resulting in the overall decision to ratify in Massachusetts. The additional protection of individual rights as presented in the amendments written by the Massachusetts convention influenced the rest of the state ratifying debates to follow, as it provided something new to consider in the debate over the Constitution on both sides of the aisle.

Chapter Three focuses on the Virginia Ratifying Convention. Held after the Massachusetts Convention, Virginia was among those states influenced by Massachusetts' decision to recommend amendments in their ratification of the Constitution. The Virginia convention was filled with many well-known names across the country, including Patrick Henry and James Madison, making this convention very closely watched and very important to the final adoption of the Constitution in the United States. This debate was much more in depth than Massachusetts, as the Virginia delegates addressed a much wider array of problems than the Massachusetts delegates did. The delegates to the Virginia convention hadn't faced nearly the political resistance to the Articles in the same way that Massachusetts did, and much of this can be blamed on the nature of industrialization and the economies of the two states. Virginia was more rural. Their main desires from government was that it would leave them alone to do their

farming, own their slaves and do whatever else they felt like doing. Massachusetts was much more industrialized and was more concerned about bigger questions of government, such as who controls the economy and who regulates treaties and trade and commerce. That being said, there were many more Anti-Federalists present at the Virginia convention than the Massachusetts, resulting in a much more robust debate with many different understandings of the Constitution that weren't seen in Massachusetts, though most of these different understandings were not directly relevant to this research question and spoke more to the nature of the human condition as it was known in Virginia. In terms of principle sovereignty, there were strong arguments made in favor of both the people and the state legislatures being principle, and the convention could not agree on this question. There was hardly any agreement whatsoever in the Virginia convention. Derived sovereignty seemed to have taken up the majority of the debate, with the delegates scrutinizing every line of the Constitution. The Anti-Federalists to this convention hated the idea of having any general government at all, so they resented any of its powers as well. Patrick Henry, in particular, found an issue with almost every single line of derived sovereignty as written into the Constitution. They were worried that this strong, energized general government would have the power to control their farms, crops, and worse: slaves. They simply wanted to be left alone, and they knew that if the general government was awarded the powers which are written into the Constitution, they would be stripped of everything they understood to be their personal freedoms on the farm, because the general government would begin to collect taxes and not count slaves in representation and undermine the ability of the south to thrive.

Chapter Two: The Massachusetts Ratifying Convention (1787-1788)

While conventional wisdom identifies the New York and Virginia Ratifying Conventions as the two keys to ratification of the Constitution, Massachusetts proves to be of critical importance as well. According to Pauline Maier (2011, 155), “If Massachusetts refused to ratify, other states---particularly New Hampshire and New York---would probably follow her example...if, however, Massachusetts ratified, the Constitution would be well on its way toward enactment.” The importance of Massachusetts for the prospects of ratification takes on greater significance when one considers the very real possibility that Massachusetts would not ratify the Constitution. With the divide between the delegates for and against the Constitution roughly equal, ratification was not a foregone conclusion as it was in Pennsylvania. Aware of their precarious position, proponents of the proposed Constitution had to work behind the scenes to make allies and reach compromises in order to ensure ratification. On this challenge, Maier (2011, 158) observes that the Massachusetts proponents of ratification, “faced a far greater challenge than their counterparts in Pennsylvania, who had a solid majority from the start of their convention. Massachusetts was a whole new game.” Thus, in addition to persuading fellow delegates via reasoned discourse, proponents also had to rely on political machinations and identify areas of compromise in an effort to turn opponents of ratification into proponents.

Arguably the most importance compromise of the Massachusetts’ Ratifying Convention was the introduction of amendments that would be recommended for consideration after ratification itself. In response to this suggestion, a number of delegates who were previously opposed to ratification changed their position and ultimately voted to ratify. For these delegates, the proposed amendments alleviated concerns that the grant of power to the national government

under the Constitution threatened the security of the rights and liberties of the people. Though many proponents did not think that amendments were necessary, they embraced the idea and worked on getting John Hancock on board with the idea in order to ensure ratification. Hancock, the president of the Convention, was a necessary person to the ratification process. Had he not supported the ratification or amendments; it is possible that the Constitution would not have passed in Massachusetts. On the importance of Hancock, Maier (2011, 194) writes: "...the Federalists had to get Hancock on board...in a eulogy written after Hancock's death, James Sullivan claimed that Hancock had reservations about the Constitution and, before the state ratifying convention had even assembled, drafted a set of amendments he planned to propose." As demonstrated below, Hancock is an example of a delegate whose vote was swayed with the introduction of amendments to the Constitution, leading to the ultimate ratification of the Constitution in Massachusetts. A key to understanding Hancock's change and the change of others is the distinction between principle and derived sovereignty identified by Mogg (2006) and tested here.

This chapter will assess the delegate's positions of principle and derived sovereignty as seen through their participation in the Massachusetts ratifying convention. First, it will address principle sovereignty as many delegates took different positions on who should hold the power of the principle and to what extent. From here it will discuss the three different understandings of principle sovereignty, that it should rest with the people, that it should rest with the particular states, or the state governments. Following this analysis, the focus will shift to derived sovereignty and the different understandings thereof. These include understandings of strong and weak derived sovereignty, as well as a third option which came to fruition through the Massachusetts convention: that the grant of power is necessary but not adequately checked

through the language of the Constitution, or what we are calling the ‘middle’ position. To combat this third idea, the delegates draft a set of amendments which they understand to better protect the people’s individual rights and liberties, therefore making them okay with the grant of derived sovereignty awarded to the general government in the Constitution. The amendments were able to make enough delegates feel secure with the grant of power and the Constitution in general, and many people changed their votes to be in favor of ratification with the addition of these amendments, securing the vote to ratify at the conclusion of the convention.

Principle Sovereignty in the Massachusetts’ Ratifying Convention of 1788

Principle sovereignty can be viewed as authorization where the is the principle sovereign authorizes the general government (its agent) to hold certain powers and use them to secure the ends of government. The principle decides what powers its agent is given and determines the extent to which these powers may be exercised. It is the responsibility of the agent, who possesses derived sovereignty, to exercise these powers as instructed. Mogg’s (2006) analysis finds that principle sovereignty is operationalized in two ways at the Constitutional Convention of 1787. First, some delegates operationalize principle sovereignty at the national level and locate it in the hands of the American people. Another group of delegates, second, is also committed to the idea of popular sovereignty, but this group operationalizes principle sovereignty at the state level and places it in the hands of the people of the thirteen states.

In the analysis presented in this section, evidence is presented that supports Mogg’s (2006) conclusion that principle sovereignty is operationalized in two, distinct ways. Of the thirty-six classifiable delegates in the Massachusetts’ Ratifying Convention, a strong majority (n=24) take the position that principle sovereignty resides with the American people. Three delegates believe that the Constitution is founded on the principle of popular sovereignty but

locate principle sovereignty with the people of the thirteen states. Unlike Mogg, this study identifies six delegates who hold the position that the state governments possess principle sovereignty. These delegates hold the position that a confederation of states is preferable to the union proposed by the US Constitution.¹

Principle Sovereignty with the American People

Delegates committed to popular sovereignty and who locate principle sovereignty with the American people can be viewed as strong nationalists. For these delegates, the Constitution rejects the confederate structure of the Articles of Confederation and replaces it with a union form of government. Where the Continental Congress was the creation of thirteen sovereign states, the government created by the Constitution would rest on the authority of the American people. Delegates holding this position are located in the first column of Table One.

[Insert Table One Here]

An example of this understanding of principle sovereignty is seen in a speech from Mr. T. Dawes of Boston. He says, "...as thirty thousand inhabitants will elect a representative, eight tenths of which electors perhaps are yeomen, and holders of farms, it will be their own faults if they are not represented by such men as will never permit the land to be injured by unnecessary taxes" (Kaminski 2000,1289). Here, Dawes understands that it is the people who are responsible for ensuring that they are represented by the right people. Thus, the failure of elected officials to abstain from the property of the people rests not with members of Congress, but with the

¹ It may be the case that the six delegates classified here as advocating for the state governments possessing principle sovereignty may actually hold the position that the people of each state actually possess principle sovereignty. This is what Mogg finds in her analysis. Ultimately, the lack of any textual evidence suggesting that this is the case in the record of the Massachusetts' Ratifying Convention precluded me from classifying these delegates as locating principle sovereignty in the hands of the people of the thirteen states.

American people who are responsible for holding their representatives accountable. Dr. Jarvis develops the reasoning of Mr. Dawes further when he argues "...that there is a very material distinction in the two cases; for, however possible it may be that this controlling authority may be abused, it by no means followed that Congress, in any situation, could strip the people of their right to a direct representation" (Kaminski 2000, 1220). Dr. Jarvis clearly articulates the understanding of principle sovereignty when he says that the people have a right to direct representation. Without explicitly using the language of the principle/agent relationship, Dr. Jarvis clearly indicates that it is the people (the principle) who authorizes the agent (representatives) to exercise power on behalf of the people.

This understanding of the people as the principle sovereign is central to the understanding that the government created by the Constitution is a union and not a confederacy of states. In a union, the people are principle to the general government rather than the state governments in the confederate model. An example of rejecting the latter in favor of the former is seen when Mr. Bowdoin says, "But the advantages of a union of the states are not confined to mere safety from within or without. They extend not only to the welfare of each state, but even to the interest of each individual of the states" (Kaminski 2000, 1393). For Mr. Bowdoin, a union is preferable to a confederacy because of the greater security it provides the nation, the individual states, and every individual. That the general government has the capacity to act on behalf of the individual is important and this marks a defining characteristic of a union. Under a confederate model of government, the general government is prevented from acting on the individual as only the state governments possess this power. Under the union model, both the general and state governments have the ability to act on the individual. For Bowdoin, the superiority of the union model is codified in the Preamble to the Constitution which begins with "We the People" rather than "We

the States.” Another example of the preference for union over confederacy is provided by Mr. Heath. He says, “Every thing depends on our union. I know that some have supposed, that, although the union should be broken, particular states may retain their importance; but this cannot be. The strongest-nerved state, even the right arm, if separated from the body, must wither. If the great union be broken, our country, as a nation, perishes...” (Kaminski 2000, 1378). In this statement, Mr. Heath clearly indicates that a union is necessary if America is going to continue as a country going forward. Implicitly recalling the troubled history of confederacies to endure, he clearly indicates that the states must give up the authority they enjoy under the Articles of Confederation. If they do not, he fears that the nation will perish.

Principle Sovereignty with the People of the Thirteen States

Three delegates identified with an asterisk in Table One are committed to popular sovereignty but operationalize principle sovereignty at the state level. In other words, whereas the nationalists operationalize principle sovereignty with the American people, these delegates operationalize principle sovereignty with the people of the states. For these three delegates, the relevant authorizing entity is the people of Massachusetts.

This understanding of principle sovereignty is evident, first, in Mr. Randall. He argues “Our manners, he said, were widely different from the Southern States; their elections were not so *free and unbiased*; therefore, if the states were consolidated, he thought it would introduce manners among us which would set us at continual variance” (Kaminski 2000, 1303). Mr. Randall is concerned that the cultural differences between the north and the south, because of slavery, prevent the possibility of a truly national culture which he deems a necessary requirement for national, principle sovereignty to work. While he remains a proponent of locating principle sovereignty with the people, Mr. Randall contends that the people of the states

would serve as a more effective principle because and do a better job of protecting the rights of the people. In his formulation of the relationship between the people and the general (national) government, the states function as a middle-man where the people of the states elect their representatives in the House (directly) and Senate (indirectly). He continues:

Let us consider, sir, we are acting for the people, and for ages unborn; let us deal fairly and above board. Every one comes here to discharge his duty to his constituents, and I hope none will be biased by the best orators; because we are not acting for ourselves. I think Congress ought to have power, such as is for the good of the nation... (Kaminski 2000, 1244).

Randall views the responsibility of the delegates to the MA Convention as delegates of the people. Given the logic of the principle/agent relationship, this would make the people of Massachusetts the principle sovereign. Randall is concerned with the diversity of America. As he understands it, the diversity is so strong that no national sentiment is possible which can animate the will of the American people toward the common good. His analysis of diversity indicates that the best way to aggregate principle sovereignty is at the state level who are homogenous enough to facilitate the idea of the people.

Capt. Dench also falls into this camp, stating, "...it had been observed, and he was not convinced that the observation was wrong, that the grant of the powers in this section would produce a consolidation of the states, and the moment it begins, a dissolution of the state governments commences. If mistaken, he wished to be set right" (Kaminski 2000, 1338). Dench thinks that the state governments are necessary for proper government, but he is not exactly clear on how this applies to the current Constitution. Initially, Dench is understood to identify the state governments as principle. This is arguably the result of a misunderstanding in definition of sovereignty and application thereof. It could be argued that, although he is concerned with the state governments, this does not mean that he views them as principle. Rather, he could simply

understand that these bodies are necessary for government to function regardless of where sovereignty lies, though there is no direct proof of this understanding.

Principle Sovereignty with the State Governments

To this point of the analysis, the results presented here for the Massachusetts Ratifying convention confirm the results of Mogg (2006) as principle sovereignty has been located with the people, but the people has been operationalized at both the national and state levels. A third understanding of principle sovereignty is found in the Massachusetts Ratifying Convention not found in Mogg. Here, three delegates take the position that principle sovereignty resides with the states governments. These delegates are identified in the second column of Table One. As mentioned in a previous footnote, Mogg is able to accumulate enough textual evidence to conclude that delegates to the Constitutional Convention of 1787 who advocate for a confederate form of government actually operationalize principle sovereignty with the people of each individual state. In the absence of similar textual evidence, this study cannot draw the same conclusion. Thus, Dr. Taylor, Judge Dana, and Mr. Nason are classified here as locating principle sovereignty with the state governments.

Dr. Taylor says:

By the Articles of Confederation, annual elections are provided for, though we have additional securities in a right to recall any or all of our members from Congress, and a provision for rotation. In the proposed Constitution, there is no provision for rotation; we have no right by it to recall our delegates. In answer to the observations, that, by frequency of elections, good men will be excluded, I answer, if they behave well, it is probable they will be continued; but if they behave ill, how shall we remedy the evil (Kaminski 2000, 1185-1186)?

Dr. Taylor prefers the model of government proposed by the Articles of Confederation. This is seen in his understanding of a requirement for annual elections in contrast to the Constitution's call for biennial elections to the House. This preference for the Articles and the Continental

Congress indicates his commitment to a confederacy of states rather than the union structure which is outlined in the Constitution. What he is failing to account for is the ability to recall delegates who are working against the will of the people through re-election. Though he may wish for this power to be eligible each year, the ability to recall delegates is added to the Constitution, so long as that delegate goes against the people.

Judge Dana is also in favor of a confederate structure of government. Similarly to Dr. Taylor, he is concerned with representation, but he thinks that the Constitution will fail should there be anything but a confederate structure. He says:

...if the Constitution under consideration was in fact what its opposers had often called it, a consolidation of the states, he should readily agree with that gentleman that the representation of the people was much too small; but this was a charge brought against it without any foundation in truth. So far from it, that it must be apparent to every one, that the federal government springs out of, and can alone be brought into existence by, the state governments. Demolish the latter, and there is an end of the former (Kaminski 2000, 1238).

As Judge Dana understands it, there is no general government whatsoever without state governments. Here he identifies the state governments as the principle sovereign to the general government and identifies that the ends of government will come with a union structure.

Mr. Nason was one of the few delegates to explicitly speak to his understanding of the state governments as principle. He says, “We are under oath: we have sworn that Massachusetts is a sovereign and independent state. How, then, can we vote for this Constitution, that destroys that sovereignty” (Kaminski 2000, 1397)? Mr. Nason is concerned that the general government will undermine the states’ power. He is a proponent of states as principle because he, and other delegates with the same understanding, do not think that the people have the ability to maintain the ends of government, but rather that with this shift in principle government will be destroyed. The understanding of the states as principle exemplifies a confederate structure of government.

Derived Sovereignty in the Massachusetts' Ratifying Convention of 1788

Derived sovereignty refers to the powers of the general government as authorized by the principle. This dimension outlines the powers which the general government holds as well as the extent of these powers. This topic, as seen in the Massachusetts Ratifying Convention, is widely contested and debated. Following Mogg (2006), it is possible to operationalize derived sovereignty as strong and weak with the former understood in terms of the grant of power provided by the Constitution to the general government as adequate for achieving the ends of government. The latter position maintains that the extent of derived sovereignty granted to the general government by the Constitution is too extensive and will ultimately undermine the ends of government. Given that the Massachusetts Ratifying Convention proposed amendments to the Constitution, it is necessary here provide a third category for principle sovereignty. This middle position holds that while the grant of derived sovereignty is adequate to achieve the ends of government, the Constitution does not adequately protect the rights and liberties of the people. Thus, further safeguards are necessary. The results for derived sovereignty are summarized in Table Two.

[Insert Table Two Here]

Strong

Delegates who believe in a strong derived sovereign are in favor of the general government holding more power. These delegates make up the majority of the delegates coded here (n=22). Based on the results of the previous section, these delegates also understand that the American people are the principle sovereign. Of the twenty-two delegates classified as holding the strong derived sovereignty position, only Mr. Phillips does not view the American people as principle sovereign, and this is because he cannot be classified on this dimension of sovereignty.

The strong understanding of principle sovereignty thinks that it is necessary for the general government to have more power in order to better secure the ends of government. These delegates also have faith in the capacity of the American people to check the derived sovereignty exercised by elected officials. On the relationship between the people as principle sovereign and derived sovereignty, Mr. Gore of Boston says:

Some gentlemen suppose it is unsafe and unnecessary to vest the proposed government with authority to "lay and collect taxes, duties, imposts, and excises. Let us strip the subject of every thing that is foreign, and refrain from likening it with governments, which, in their nature and administration, have no affinity; and we shall soon see that it is not only safe, but indispensably necessary to our peace and dignity, to vest the Congress with the powers described in this section (Kaminski 2000, 1300).

Mr. Gore understands the necessity of the general government to hold extensive power so that they have the ability to protect the people. This is the main argument in favor of strong derived sovereignty: the general government needs to hold enough power to protect the will of the people effectively. If they do not have the necessary grant of power, as Mr. Gore and other delegates understand, the government will fail. This is a huge concern among delegates, and they all take different views on how to best address the potential abuse of power. General Brooks says, "...when that power is given, with proper checks, the danger is at an end. When men are answerable, and within the reach of responsibility, they cannot forget that their political existence depends upon their good behavior" (Kaminski 2000, 1255). Representatives to the general government will not abuse their power, according to Gen. Brooks, because the people who elected them have the authority to remove them from office if they do. Ultimately, it is the fear of being removed from office that prevents the abuse of derived sovereignty.

Weak

The eight delegates classified as holding the position of weak derived sovereignty believe that the general government should have limited power. These delegates view the grant of power

to the general government proposed by the Constitution as a threat to the rights and liberties of the American people. Mr. Nason illustrates this belief in his praise of liberty. He says, “I beg the indulgence of this honorable body to permit me to make a short apostrophe to Liberty. O Liberty! thou greatest good! thou fairest property! with thee I wish to live — with thee I wish to die! Pardon me if I drop a tear on the peril to which she is exposed; I cannot, sir, see this brightest of jewels tarnished...” (Kaminski 2000, 1397). Mr. Nason fears the loss of liberty will be a direct consequence of ratification. In the name of protecting liberty, Mr. Nason favors limiting the general government more than is provided by the Constitution. Similarly, Mr. Widgery worries that the power of taxation may be used to undermine the democratic foundation of America. He warns that the power to tax may be employed to restrict or possibly undermine totally the right to vote: “If Congress...have this power of taxing directly, it will be in their power to enact a poll tax. Can gentlemen tell why they will not attempt it, and by this method make the poor pay as much as the rich” (Kaminski 2000, 1251)? Mr. Widgery foresees a future where America transforms from a democracy into an aristocracy. This would remove the distinction between the United States and England and effectively undermine the American Revolution and its legacy. This is a major concern for Widgery as well as several other delegates to the convention.

Middle

To this point, the results of the Massachusetts Ratifying Convention support the conclusions of Mogg (2006). The fact that amendments were recommended by the Massachusetts Ratifying Convention suggests a third understanding of derived sovereignty. Accordingly, the five delegates who fall into this middle category view the grant of power to the general government as necessary to the function of the general government. However, they also

believe that the Constitution does not adequately safeguard the rights and liberties of the American people. In an effort to win these delegates over and ensure ratification, amendments were proposed as an addition to the Constitution. On the need for amendments and greater security, Mr. Turner says, "...for by small degrees has liberty, in all nations, been wrested from the hands of the people. I know great powers are necessary to be given to Congress, but I wish they may be well guarded" (Kaminski 2000, 1226). Mr. Turner understands that there is a necessity for enough power to be derived to protect the people, but he does not think that there are proper checks on this power. Mr. Barrell adds the following:

Congress will be vested with more extensive powers than ever Great Britain exercised over us; too great, in my opinion, to intrust with any class of men...while we consider them as men of like passions, the same spontaneous, inherent thirst for power with ourselves, great and good as they may be, when they enter upon this all-important charge, what security can we have that they will continue so (Kaminski 2000, 1448)?

Mr. Barrell is concerned that the general government will abuse their power should they be awarded too much of it. He is worried that this could undermine the liberties of the people but also that they simply cannot be trusted with such a broad authorization of power. In his understanding, political figures will inevitably abuse the power they were given as a result of holding the position. This shows his need for further protections from the general government which were not highlighted in the Constitution as it stood.

The introduction of amendments to the Constitution swayed the votes of many delegates who were stuck in the middle in terms of derived sovereignty. John Hancock, President of the Convention says, "...if amended (as I feel assured it will be) according to your proposals, cannot fail to give the people of the United States a greater degree of political freedom, and eventually as much national dignity, as falls to the lot of any nation on earth" (Kaminski 2000, 1475). Hancock was on the fence about the Constitution before amendments were added. This act

swayed his vote in favor of the Constitution, and since he was the president of the convention, it is possible that many other delegates followed suit. Had amendments not been added to the Constitution, it is likely that the Constitution would not have been ratified in the state of Massachusetts.

Another example of a vote which was swayed with the introduction of amendments is seen with Mr. Randall. He says, "...I think it becomes us, as wise men, as the faithful guardians of the people's rights, and as we wish well to posterity, to propose such amendments as will secure to us and ours that liberty without which life is a burden" (Kaminski 2000, 1449). Initially, Randall was against the Constitution as he felt it provided too much derived power to the general government. However, with the introduction of amendments, he became more comfortable with the further protections of individual rights and freedoms of the people. With this addition, he is willing to vote in favor of the ratification of the Constitution.

Conclusion

The results presented in this chapter confirm those found in Mogg. At the Constitutional Convention of 1787, evidence points to the presence of a multi-dimensional understanding of sovereignty. The first dimension, principle sovereignty, focuses on the question of who authorizes the existence of government. Mogg finds that there are two formulations of principle sovereignty at the Convention of 1787 with the first locating principle sovereignty in the American people and the second locating it with the people of the states. The second dimension, derived sovereignty, focuses on the extend of the powers authorized by the principle sovereign. Here, the focus is on the nature and extent of the grant of power provided to the general government by the Constitution.

Unlike Mogg, evidence from the Massachusetts Ratifying Convention suggests the presence of another principle sovereign, the state governments. While Mogg is able to show that delegates to the Constitutional Convention of 1787 ultimately believe that the people of the states are the principle sovereign, there is no evidence that allows the delegates to the Massachusetts Convention advocating for confederacy can be classified similarly. Additionally, analysis of the Massachusetts Ratifying Convention suggest that derived sovereignty can be viewed beyond the strong/weak distinction employed by Mogg. For some delegates, the grant of power to the general government is adequate, but the safeguards protecting the rights and liberties of the American people are inadequate. Thus, amendments are recommended by the Massachusetts Ratifying Convention which has the effect of securing Massachusetts' vote for ratification.

While these conclusions both confirm and extend Mogg's analysis, one should view the results presented here with caution for two reasons. First, the analysis presented here is based on a very small sample size of thirty-six classifiable delegates. 355 delegates were in attendance at the Massachusetts Convention. Of those 355, 66 spoke. Of those 66, 33 were classifiable. Thus, it cannot be concluded that the thirty-six delegates focused on here are representative of Massachusetts more generally. Second, the Massachusetts' Convention is limited in focus. There is hardly any discussion the executive branch, the judicial branch, and many other relevant aspects of the Constitution.

The Virginia Convention, conversely, features a much smaller amount of delegates in attendance as well as a much wider spread of discussion of issues. The Virginia Convention addressed almost every clause of the Constitution, and the delegates scrutinized the document, seemingly, much more than the delegates to the Massachusetts convention. Though the Virginia delegates debated much more in depth than those of Massachusetts, generally the delegates from

both conventions had the same understandings about what principle and derived sovereignty should look like.

**Table One: Delegate Positions on Principle Sovereignty at the
Massachusetts Ratifying Convention**

People (n= 27)		States (n= 3)	Non-Classifiable (n= 6)
Mr. Sedgwick	Mr. Widgery*	Dr. Taylor	Mr. Phillips
Dr. Jarvis	Capt. Dench*	Judge Dana	Mr. Davis
Mr. Dalton	Mr. Randall*	Mr. Nason	Mr. Bodman
Mr. Gorham			Mr. White
Mr. Parsons			Mr. Barrell
Mr. King			Mr. Singletary
Mr. Gore			
Mr. Dawes			
Mr. Bowdoin			
His Ex. Hancock			
Mr. Adams			
Mr. Jones			
Rev. Stillman			
Mr. Heath			
Capt. Snow			
Judge Sumner			
Rev. Thacher			
Mr. Ames			
Mr. Cabot			
Mr. West			
Mr. Turner			
Gen. Brooks			
Mr. Symmes			
Mr. Choate			

*Delegates with an asterisk operationalize principles sovereignty at the state level

**Table Two: Delegate Positions on Derived Sovereignty at the
Massachusetts Ratifying Convention**

Strong (n= 22)	Middle (n= 5)	Weak (n= 8)	Non-Classifiable (n= 1)
Mr. Sedgwick	His Ex. John Hancock	Mr. Widgery	Mr. Davis
Dr. Jarvis	Mr. Barrell	Dr. Taylor	
Mr. Dalton	Mr. Turner	Capt. Dench	
Mr. Gorham	Mr. Cabot	Mr. Randall	
Mr. Parsons	Judge Dana	Mr. Bodman	
Mr. King		Mr. White	
Mr. Dawes		Mr. Nason	
Mr. Bowdoin		Mr. Singletary	
Mr. Phillips			
Mr. Adams			
Mr. Jones			
Rev. Stillman			
Mr. Heath			
Mr. Gore			
Judge Sumner			
Rev. Thacher			
Mr. Ames			
Mr. Choate			
Mr. Symmes			
Gen. Brooks			
Mr. West			
Capt. Snow			

Chapter Three: The Virginia Ratifying Convention (1788)

The debate in the Virginia Ratifying Convention promised to be one of great weight both within their state lines and to the future prospects for ratification of the Constitution. Pauline Maier (2011, 257) refers to this convention as a “battle of giants,” speaking to the extensive list of prominent delegates who were scheduled to attend.² To add to the pressure of the debate, Maier (2011, 256) writes, “The convention promised to be a contest of epic proportions. The sides were almost equally strong...” The opposition in this debate, which includes delegates such as Patrick Henry and George Mason, were wildly popular in Virginia, giving them an important advantage over proponents of the Constitution. Fortunately, *The Federalist* helped the supporters in this uphill battle (Maier 2011, 256-257). This strategic move by James Madison, John Jay, and Alexander Hamilton, both to publish the papers publicly as well as flush copies into Virginia before the debates began, affected the nature of the debate as well as public opinion in favor of ratification. Maier (2011, 257) writes, “By June, several Virginians owned the first volume, of which Hamilton, on Madison’s request, had sent fifty-two copies to Edmund Randolph in May.” Randolph was the Governor of Virginia at the time as well as a prominent delegate to the Virginia ratifying convention. Though many other delegates claimed to have never seen any of the *Federalist Papers*, it was clear that Madison and Hamilton were trying to mobilize their side through the governor and the public, since the essays were also published in the *Norfolk and Portsmouth Journal* which was accessible to all, including the delegates (Maier 2011. 257).

² “Giants” consisted of delegates including James Madison, Patrick Henry, Gov. Edmund Randolph, John Marshall, and George Nicholas.

The influence on the debate by both the status of its delegates and the publication of *The Federalist* caused both sides to be very active in the discussion, though sometimes to a fault. The biggest fault in this convention was the consistent influx of arguments from Patrick Henry. Maier (2011, 257) writes, “For better or worse, he [Patrick Henry] forced it to confront big questions that were not on its formal agenda and that had not been explored, certainly not with equal rhetorical flare, in any previous ratifying convention.” Despite the efforts of delegates to debate the Constitution clause-by-clause, this structure slowly dissolved. Patrick Henry managed to hijack the debate in order to ask these important, often overlooked, questions. But in doing this he simultaneously destroyed the structure, and consequently the nature of the debate because delegates were spending more time responding to his long list of objections rather than debating the language of the document in question (Maier 2011, 267). Tackling Henry’s arguments was no easy task. Maier (2011, 272) writes, “He also had a way, as Henry Lee complained, of throwing out ‘bolts’ in a ‘desultory’ or random way, one after another and in great profusion, which made him hard to answer in a systematic way. That explains why the responses to Henry were often also ‘desultory’ as well as long and repetitive.” Henry’s impact on the debate was substantial, and it derailed much of the organization that was implemented at the start as well as altering the nature of the debate itself. With regard to the former, Henry adversely affected both sides of the debate. Maier (2011, 267) speaks to Henry’s extensive speeches and their effect on the convention when she writes, “Many delegates, however, were moved mainly to exasperation. ‘If we go on in this irregular manner, contrary to our resolution,’ Randolph complained, ‘instead of three or six weeks, it. Will take us six months to decide this question.’” Every delegate was starting to get tired of Henry’s constant lengthy interjections, because it distracted them all from the point of the convention. James Madison was typically the delegate to rebut the remarks of

Mr. Henry, but his remarks were causing Madison to worry about the fate of the Constitution (Maier; 2011, 279). He was worried that Henry's arguments and, to Madison, interruptions would confuse other delegates and persuade them into voting against ratification.

Luckily for Madison and other Federalists, the Constitution was ratified. And, similarly to Massachusetts, the delegates to the Virginia convention who opposed this decision called for amendments to be included in its recommendation. Maier (2011, 307) writes, "The bill of rights, which the convention approved without dissent, was a revised version of the 1776 Virginia declaration of rights, including its affirmation of the right of trial by jury but without its opening statement 'that all men are by nature equal' and have 'certain inherent rights.'" However, though ratification had been voted for and amendments had been written, the Constitution was still facing an uphill battle. Maier (2011, 317) continues, "The Constitution had been ratified, but the ratification controversy was not over. The battle lines had, however, been redefined. The next fight would be over the future of those amendments that, it seemed, a substantial part of 'We the People' wanted" (2011, 317). Those opposed to the Constitution were persistent in their pursuit to add amendments to the document and would not settle for less.

This chapter will analyze the speech of each delegate to the Virginia state ratifying convention in order to classify delegates on their understandings of principle and derived sovereignty. Beginning with principle sovereignty, this chapter assesses the arguments of those delegates who speak to this dimension, regardless of who or what they understand should hold principle sovereignty. Repeating the process used in the Massachusetts analysis, I created vignettes for each delegate with an eye to classifying their understandings of principle and derived sovereignty. The results presented here are consistent with Mogg's (2006) findings that the Constitutional Convention of 1787 found a single, multidimensional theory of sovereignty.

The results presented in this chapter also indicate that the delegates to the Virginia Convention operationalize principle and derived sovereignty in the same ways that delegates to the Massachusetts Convention operationalized these concepts. The only exception to this is that the Virginia Convention did not show any evidence of a ‘middle’ understanding of derived sovereignty, meaning that the introduction of amendments was unable to sway any votes to favor ratification in Virginia. To this end, it can be understood that the two conventions were representative of widely understood conclusions of the Constitution, and therefore were also representative of the understandings of the people. Virginia also touched on a lot more issues than the Massachusetts convention did, showing the limitations of the Massachusetts debate. The results of the Virginia analysis are presented in the next two sections.

Principle Sovereignty in the Virginia Ratifying Convention of 1788

Consistent with the understanding of principle sovereignty provided in this analysis of the Massachusetts Ratifying Convention, the Virginia Ratifying Convention also exhibits an understanding among delegates of the people as principle sovereign, while also operationalizing principle sovereignty in the people of the state as well as with the state governments. Virginia had a much smaller number of delegates compared to the Massachusetts Convention, and they had a much closer competition between the Federalists and the Anti-Federalists. Given this close debate, the Virginia delegates struggled with coming to an agreement about who should be principle sovereign. This decision is made more difficult with the prevalence of three different understandings of where principle sovereignty should be held. With the deathly combination of a divided Anti-Federalist party (some Anti-Federalists operationalized principle sovereignty with the American people while at least one operationalized it with the people of the state) and a much smaller amount of delegates present as opposed to the Massachusetts Convention,

Virginia's Convention promised to be an interesting and important decision. The Anti-Federalists needed to unite their understandings in order to defeat James Madison and his cohorts in favor of "We the People," and the Federalists had to work to convince several opposers of their opponents that the Constitution was a good idea. Both parties faced a difficult battle, showing the true gravity of this "battle of giants."

Despite these factors, this analysis supports the findings of Mogg (2006) that the Constitution is grounded on a single, multidimensional theory of sovereignty. It also is consistent with the results presented in the previous chapter for the Massachusetts Ratifying Convention. However, there is one noticeable difference between the two Conventions looked at in this study. Unlike the Massachusetts Convention, where delegates located principle sovereignty in the people at the state or national levels, in the Virginia Convention a minority of delegates locate principle sovereignty with the state governments. Locating principle sovereignty in the state governments also distinguishes a key argument presented in the Virginia Convention from the Constitutional Convention of 1787 where this argument was not made.

Principle Sovereignty with the American People

The first understanding of principle sovereignty is that the authorizing agent to government should be the American people. Delegates holding this position are located in the first column of Table 1 with the exception of George Mason who locates principle sovereignty with the people at the state level. This is consistent with the understanding provided in the Massachusetts convention where the majority also held that the American people should be the principle sovereign to government.

[Inset Table 1 Here]

Mr. Pendleton spoke to principle sovereignty residing with the American people at the Virginia Convention saying, “We, the people, is thought improper. Permit me to ask the gentleman who made this objection, who but the people can delegate powers? Who but the people have a right to form government” (Elliot 1974, 37)? Mr. Pendleton said that “we, the people,” was the proper way to begin the Constitution because it gave the people the authority that they deserved as the principle to government. Mr. Corbin agrees with him about the objections to “We the people,” saying, “I expected no such objection as this. Ought not the people, sir, to judge of that government whereby they are to be ruled” (Elliot 1974, 105)? Both delegates understand that “We the people” is the best opening statement for the Constitution because they believe in a government of consent.

Governor Randolph concurs with Mr. Pendleton and Mr. Corbin, saying, “If the government is to be binding on the people, are not the people the proper persons to examine its merits or defects” (Elliot 1974, 29)? Randolph expresses his understanding of the people as principle because he says the people should be able to fully consent to the government which controls them. He strongly believes that the people are at the center of government, and he likes the Constitution because it highlights and promotes that idea much more than the Articles of Confederation. To this end, he agrees that the people should be principle because the Constitution rules over the people as a whole, and he is in favor of that. Governor Randolph also says, “The government is for the people; and the misfortune was, that the people had no agency in the government before” (Elliot 1974, 28). Here, Governor Randolph is talking about the Articles of Confederation and their role of the state governments as principle. He says that this is incorrect, and that this position should be given to the people. He comes to this conclusion because he finds that the Articles was abusive to the rights of the people, and it was insufficient

in protecting their rights. The states as principle sovereign has an inherent tension with free or republican government, because it eliminates the people from having a direct say in their government and making decisions about the laws which govern them. To Gov. Randolph, as well as several other delegates, the people serving this purpose is absolutely necessary to having a free, energetic, republican government.

The strongest proponent of the Constitution and therefore vesting the people with the powers of the principle was arguably James Madison. Though much of his time in the Convention was spent discrediting the speeches of Patrick Henry, he also was able to form a very strong argument in favor of ratification. Madison says, “It is almost certain, therefore, that the deliberations of the members of the federal House of Representatives will be directed to the interest of the people of America” (Elliot 1974, 97). Madison has to try to convince the opposers to ratification that this Constitution is a good idea for the country. To do this, he emphasizes the role of the people as principle in the House of Representatives, directly, and to other offices indirectly. Those delegates against the Constitution disliked this, and instead wanted the state governments to retain more power than the Constitution allows for. Madison argues against this in saying that a confederation is insufficient as proven by history, saying:

If we recur to history, and review the annals of mankind. I undertake to say that no instance can be produced, by the most learned man, of any confederate government that will justify a continuation of the present system, or that will not demonstrate the necessity of this change, and of substituting, for the present pernicious and fatal plan, the system now under consideration, or one equally energetic (Elliot 1974, 129).

Madison expresses his understanding of a union structure of government which, as described in the Massachusetts analysis previously provided, coincides with the understanding of the people as principle. Mr. John Marshall joins Madison in this argument, saying, “The state governments did not derive their powers from the general government; but each government derived its

powers from the people, and each was to act according to the powers given it” (Elliot 1974, 419). Mr. Marshall also argues against the previous decision held in the Articles that the state governments should be principle. This shows his commitment to both the people as principle as well as to the union in the same way as Madison.

The only delegate to the Virginia convention who operationalized principle sovereignty with the people of the state was Mr. George Mason. Mr. Mason is the only delegate to speak to this understanding, but it is entirely possible that he was not the only delegate to hold this position, and that some others likely agreed with him but never spoke to their understanding at the convention. He also had a hybrid understanding of what the government should look like, but a different sort of hybrid than the one presented by Mr. Grayson. Mr. Mason is in favor of the union, saying, “These two concurrent powers cannot exist long together; the one will destroy the other: the general government being paramount to, and in every respect more powerful than the state governments, the latter must give way to the former” (Elliot 1974, 29-30). But he thinks that the grant of derived sovereignty in the general government is too extreme. To combat this, he proposes a government which vests the powers of the principle with the people of the state. He says, “I solemnly declare that no man is a greater friend to a firm union of the American states than I am; but, sir, if this great end can be obtained without hazarding the rights of the people, why should we recur to such dangerous principles” (Elliot 1974, 30)? The understanding that Mr. Mason believes that the people of the state should be principle sovereign is established here. He calls for “a firm union of the American states” This means that. the understands that each state should have a say in government, but since he says the ‘American’ states it can be assumed that he likes the idea of the union and therefore the general government (as this is what ‘America’ consists of). If he were in favor of the state governments as principle then he would

not admit to this union, and if he wanted the people as principle then he would have said so explicitly.

Mr. Mason is classified as being in favor of a union which has weak derived sovereignty.

This is further proven when he says:

If we give the general government the power of demanding their quotas of the states, with an alternative of laying direct taxes in case of non-compliance, then the mischief would be avoided; and the certainty of this conditional power would, in all human probability, prevent the application, and the sums necessary for the Union would be then laid by the states, by those who know how it can best be raised, by those who have a fellow-feeling for us (Elliot 1974, 31).

Mr. Mason sympathizes with the position of the state, and he tries to form a hybrid principle sovereign which combines a union and confederacy. This makes him feel more secure with the grant of power to the general government, as some will be retained back to the states, and it protects the will of the people, as Mr. Mason understands it. This is his solution to the Constitution, but he is the only one to think about it, besides Mr. Grayson, in a more abstract way. Those two are the only ones who did not really adhere to any specific understanding of what government should look like based on the two examples they had in front of them, but they took a more out-of-the-box approach to addressing the problem at hand. This combination of a union and a confederacy is also grounds for understanding Mr. Mason as placing principle sovereignty with the people of the state, because that would be the hybrid principle position given his desire to also combine a union and a confederacy. This, along with his speech as previously mentioned where he spoke to “a firm union of the American states,” are sufficient to classify Mr. Mason as operationalizing principle sovereignty with the people of the states.

Principle Sovereignty with the State Governments

There were many delegates who were strongly against the Constitution, and who spoke frequently and eloquently about their support for the Articles of Confederation. The change from

the Articles to the Constitution was far too drastic, not to mention illegal, for them to be comfortable jumping on board with such an idea. Despite their fears of abuse in this new government, many other delegates disagreed with them, showing that the delegates opposed to the Constitution had to work just as hard as their opposition to win votes to reject ratification because the convention was so evenly split between those in favor and those against the contested document. To achieve this, delegates such as Patrick Henry and Mr. Grayson spoke adamantly against the union and the people as principle. They favored the principle sovereignty which is outlined in the Articles: the state governments. These delegates are identified in the second column of Table 1.

Mr. Henry is arguably the most outspoken delegate against the Constitution throughout the convention. He says, “Who authorized them to speak the language of, We, the people, instead of, We, the states? States are the characteristics and the soul of a confederation. If the states be not the agents of this compact, it must be one great, consolidated, national government, of the people of all the states” (Elliot 1974, 22). He clearly prefers the state governments as principle over the people, as he directly rejects the use of “we the people” for the Constitution. Mr. Monroe agrees with him, saying, “What is the form of our state governments? They are all similar in their structure -- perfectly democratic. The freedom of mankind has found an asylum here which it could find nowhere else. Freedom of conscience is enjoyed here in the fullest degree” (Elliot 1974, 211). Mr. Monroe agrees with Henry’s sentiments that the union is abusive, and the confederation should remain in-tact with the state governments as principle sovereign. He understands the state governments to be ‘perfectly democratic’, so it makes sense that he would agree with Henry that they should be the principle sovereign to government. To this end, both Henry and Monroe reject the union because the union eliminates the role of the state

governments as principle and gives it to the people instead. Mr. Henry continues, “It will destroy the state governments, and swallow the liberties of the people, without giving previous notice” (Elliot 1974, 156). Henry connects liberty with a confederacy, and he thinks the enactment of union and a shift to the people as principle will completely destroy this notion and eliminate the liberty of the people.³ This shows his clear support to uphold the Articles of Confederation and maintain the confederacy and state governments as principle. He continues, “Notwithstanding two of their provinces have paid nothing, yet I hope the example of Holland will tell us that we can live happily without changing our present despised government Cannot people be as happy under a mild as under an energetic government” (Elliot 1974, 160-161). He thinks that the call for a new energetic government is unreasonable and uncalled for. Mr. Henry thinks that these things are already founded in the Confederacy. Mr. Monroe also agreed that the confederacy was the best structure for government, saying, “...if we consider our comparative situation, we shall find that nothing can be adduced, from any of them, to warrant a departure from a confederacy to a consolidation, on the principle of inefficacy in the former to secure our happiness” (Elliot 1974, 211). Monroe agrees with Henry that the confederation of the states is the only way to secure the happiness of the people, and also to protect them from an abusive government.

³ Henry upheld the position of the Anti-Federalist, which argued that the grant of power in the Constitution was far too extensive, and that instead the Articles should simply be amended. He liked the idea of the states being the center of government and holding the powers of government thereof. Madison, conversely, thought that the Constitution was a necessary shift in government as the Articles’ government is too limited. He calls for a more energetic and involved general government with more power to protect the will of the people. The largest shift from the Articles to the Constitution was the idea that the people should be in charge of government and that the general government should hold more power than the Articles allowed for. Outside of that, both sides were concerned with protecting the will of the people, they just had different means to achieve those ends.

Henry's main partner in his pursuit to reject the Constitution was Mr. Grayson, with minor assistance from Mr. Monroe. Mr. Grayson also agreed that the state governments should be principle sovereign. He says, "But have the people the power of making honest men be elected? If he be an honest man, and his wages so low that he could not pay for his expenses, he could not serve them if elected. But there are many thirsting after offices more than public good" (Elliot 1974, 375). This shows his problem with the people as principle: he doesn't believe that the people have the proper knowledge or understanding of the government to be able to choose its representatives. He continues, "There are two sets always in that house -- one, the landed interest, the most patriotic and respectable; the other, a set of dependents and fortune hunters, who are elected for their own particular interest, and are willing to sell the interest of their constituents to the crown" (Elliot 1974, 375). He thinks that representatives elected by the people will inevitably become corrupt and fueled by self-interest rather than the public good.

Mr. Grayson agrees that the state governments should be principle sovereign, but he disagrees with the typical anti-Constitution position because he did not necessarily want to reject the union or the confederation. He says, "I do not pretend to say that the present Confederation is not defective. Its defects have been actually experienced. But I am afraid that they cannot be removed" (Elliot 1974, 273). He recognizes that the confederation has problems, but he does not think that it should be abolished, or that a union should be instated, but rather that the Continental Congress should have done the job they were supposed to do, amend the Articles. Grayson continues, "Under a supposition that mankind can govern themselves, I would recommend that the present Confederation should be amended" (Elliot 1974, 278). Mr. Grayson is the only delegate to the Virginia convention who does not support either the union or the confederacy, and instead comes up with a sort of hybrid structure of government. His understood

hybrid system varies from that of Mr. Henry because it does not comply that the state governments should be the sole principle sovereign. Mr. Grayson likes the idea of the states as principle, but he thinks that this alone is just as abusive as the people being sole principle. It is difficult to classify Mr. Grayson, because he does not explicitly state who he wishes to hold the powers of principle sovereign, but given his contradiction to the arguments on either side of the aisle, it can be understood that he wishes to combine the efforts of a union and confederacy into a structure that could potentially be a compromise, it seems, for all delegates. He continues, “Give Congress the regulation of commerce. Infuse new strength and spirit into the state governments; for, when the component parts are strong, it will give energy to the government, although it be otherwise weak” (Elliot 1974, 278). He tries to combine a union and a confederacy into a sort of hybrid system of government. He thinks that the states and the federal government should work together under the larger umbrella of the general government. This is the only real stray from the traditional understandings and connection between a confederacy with the states as principle, and a union with the people as principle seen in Virginia.

Derived Sovereignty in the Virginia Ratifying Convention of 1788

Derived sovereignty in the Virginia Convention differed from what we saw in the Massachusetts Convention in one major way: the delegates to the Virginia Convention did not introduce, in nearly the grandeur, the implementation of amendments as a way to sway votes. The Virginia delegates did talk about amendments to the extent that the opposition to the Constitution argued for a bill of rights, but no votes were able to be swayed with the introduction of amendments, as was seen in Massachusetts. To this end, the Virginia delegates showed only two modes of derived sovereignty: strong and weak. Consistent with the understandings of derived sovereignty as defined in the Massachusetts analysis presented in the previous chapter,

here we see a strong form of derived sovereignty where the grant of power to the general government is both necessary and sufficient. We also find a weak formulation of derived sovereignty where delegates view the grant of power to the general government as too extensive. According to these delegates, such an extensive grant of power will undermine the liberties of the people. The results for derived sovereignty are presented in Table 2.

[Insert Table 2 Here]

Table 2 suggests that the delegates to the Virginia Convention spoke more in favor of strong derived sovereignty than of weak. Mr. Mason, given his alternate understanding of principle sovereignty and operationalizing this within the people of the state, sides with the opponents of ratification on this question and supports weak derived sovereignty. Delegates opposed to the Constitution were much more vocal on this question of derived sovereignty than they were on the question of principle sovereignty. Their main concern was the protection of the liberties of the people, and they felt that given the powers granted to Congress in this document, these liberties were now jeopardized. While the delegates to the Massachusetts Convention were able to come to some sort of an agreement about derived sovereignty with the addition of amendments, the Virginia Convention did not have any such compromise. However, alternately from Massachusetts, the Virginia delegates discussed many more aspects of derived sovereignty. They debated the entire document, whereas Massachusetts spoke to mainly only Article 1, Section 8 for derived sovereignty.

Strong Derived Sovereignty

Mr. George Nicholas speaks to derived sovereignty and Article 1 Section 8, specifically the provision granting Congress control over the militia. He thinks that this grant of power is necessary to the protection of the people. He says, “The first clause gives the general government

power to call them out when necessary. Does this take it away from the states? No. But it gives an additional security; for, besides the power in the state governments to use their own militia, it will be the duty of the general government to aid them with the strength of the Union when called for” (Elliot 1974, 427). Here, he is trying to argue that the grant of power to Congress works in conjunction with that of the states, so the opponents of ratification do not need to worry about both the states losing power and the abuse of the general government. Additionally, his purpose in pointing this out is to show that the states need to work together to achieve the proper ends of government, securing the happiness and liberties of the people. Mr. Lee of Westmoreland connects this to the British experience and says, “If, then, the House of Commons was so powerful, no danger can be apprehended that our House of Representatives is not amply able to protect our liberties” (Elliot 1974, 43). He thinks that the grant of power to Congress is necessary to protect the liberties of the people. Additionally, he compares the two governments in order to demonstrate that the proposed Constitution and the House of Representatives will work better than the British House of Commons because this government is actually armed with the powers necessary to protect the people in a way that the British were not, clearly.

Mr. Johnson concurs with Mr. Lee and Mr. George Nicholas. He says, “...my judgment is convinced of the safety and propriety of this system” (Elliot 1974, 644). Mr. Madison advocates in favor of the derived sovereignty featured in the Constitution. In agreement with Mr. Nicholas’ argument in favor of Congress having power over the militia, Madison says, “But the honorable member sees great danger in the provision concerning the militia. This I conceive to be an additional security to our liberty, without diminishing the power of the states in any considerable degree” (Elliot 1974, 89-90). He spends most of his time responding to the rebuttals of the opposition in this debate, but he was also able to speak to the importance of having an

energetic and less limited government than what is provided in the Articles of Confederation because we need to be able to be protected by something if a problem arises. The Articles were untrustworthy in this sense, so Madison works to convince his opposition that this grant of power is a security rather than an infringement of rights. He says, “It can be of little advantage to those in power to raise money in a manner oppressive to the people” (Elliot 1974, 95). Here, Madison is trying to prove to the opposition that this government is not designed to be oppressive and that there are adequate checks written into the document that will protect the people from the potential abuses which they are so adamantly insisting will occur.

As the debate progressed, the delegates began to speak to other articles of the Constitution. When speaking to Article 2 and the powers of the executive, Gov. Randolph says, “That which has produced my opinion against the limitation of his eligibility is this — that it renders him more independent in his place, and more solicitous of promoting the interest of his constituents; for, unless you put it in his power to be reelected, instead of being attentive to their interests, he will lean to the augmentation of his private emoluments” (Elliot 1974, 485-486). Gov. Randolph does not agree that the President should have limitations for eligibility. As he sees it, this excludes many possibly great candidates, and he thinks that that serves an injustice to the people. Though this does show him as being in tension with the language of the document, which would imply the potential for Gov. Randolph to question his commitment to the document, this does not undermine his commitment to strong derived sovereignty because he is in favor of the executive holding more power. Since he wants them to have more power, it is understood that he still believes in strong derived sovereignty. Mr. Madison talks about the role of the state in Article 2, adding to Gov. Randolph’s speech to show why the Constitution was written as it is. Madison says, “Difficulties would arise from the extent and population of the

states. Instead of this, the people choose the electors” (Elliot 1974, 494). The presidential election system is a sort of hybrid between a confederacy and a union, as Mr. Madison explains it. The people elect their state’s electors, and those electors choose the president, though they typically base their votes for the presidency on what the people want. Because of this, he is hoping that the opposition will agree that this grant of power is important and necessary, as well as sufficiently protective of the people and their liberties. Additionally, Randolph’s understanding of what Article 2 should look like is very extreme, so Madison is also showing that the Constitution is making efforts to best protect the people.

When addressing Article 3 and the powers of the judiciary, Mr. John Marshall speaks to his understanding of what the judiciary should consist of. He says, “That many benefits will result from this to the members of the collective society, every one confesses. Unless its organization be defective, and so constructed as to injure, instead of accommodating, the convenience of the people, it merits our approbation” (Elliot 1974, 551). He agrees with the Article at hand, but only to the extent that he thinks that a proper judiciary is necessary, and he thinks that this branch should accommodate the people above all else. He continues, “Gentlemen have gone on an idea that the federal courts will not determine the causes which may come before them with the same fairness and impartiality with which other courts decide. What are the reasons of this supposition” (Elliot 1974, 552)? Mr. Marshall disagrees with the opposition’s concern that the Supreme Court will be biased in their legal decisions. He thinks that they will behave properly and with an eye to the public good. Mr. Madison echoes those words of Mr. Marshall, agreeing that this Article is a stray from the understandings of the anti-federalists. He says, “I acknowledge that this part does not stand in that form which would be freest from objection” (Elliot 1974, 530). He realizes that the language on the judiciary is not exactly the

most protective of the people because they have no say in who gets selected and elected into the Supreme Court. He continues, “I believe the general government will do what is for the interest of the United States; because they have no substantial reason or inducement to violate their duty, nor are they warranted by this part of the plan to commit the oppressions he dreads” (Elliot 1974, 530). Despite knowing that there are problems with the language, he still thinks that it is a good clause and it will work for the American people in the end. There is no point to the President choosing a weak nominee, as it will reflect poorly on their political performance and may result in the failure of them to be reelected, so the people would be protected through this check.

Madison speaks again to his admiration of the Constitution, but this time he is arguably trying to speak to his understanding of Article 4 Section 4. He says, “...nothing has excited more admiration in the world than the manner in which free governments have been established in America; for it was the first instance, from the creation of the world to the American revolution, that free inhabitants have been seen deliberating on a form of government, and selecting such of their citizens as possessed their confidence, to determine upon and give effect to it” (Elliot 1974, 616). Mr. Madison likes this article because it marries the ideas of the opposition and those in favor of ratification in retaining other powers back to the state. It establishes an open relationship between the states and the general government with the larger umbrella of the Constitution to unite them together into one union. Article 4 Section 4 reads, “The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and...against domestic Violence” (IV, 4). This speaks to derived sovereignty because this decision was not present in the Articles, making it consistent with a larger grant of power to the general government which speaks to strong derived sovereignty. In the Articles, all of the powers were retained to the state governments, so, given that Madison speaks in favor of

this clause, it can be understood that he wants some derived sovereignty to be vested in the general government, making him in favor of strong derived sovereignty.

Virginia delegates introduced problems with the Constitution that the delegates to the Massachusetts did not discuss. The biggest example of this is the expansion of the Mississippi River. Anti-Federalists were concerned that the general government under the Constitution would restrict this expansion: a prospect which would allow the government far too much derived sovereignty according to them. Madison responds in protest, saying that he does not even want to discuss this, "...as it is foreign to the object of our deliberations here, and may, in the opinion of some, tend to sully the reputation of our public councils. As far as my memory will enable me, I will develop the subject. We shall not differ from one another with respect to facts: perhaps we may differ with respect to principles" (Elliot 1974, 344). Here, Madison is trying to show that the opposition has their facts wrong intentionally. They are trying to blame the document for constant abuse against the people and extensive derived sovereignty. Madison is trying to show his opposition the facts of the matter rather than solely relying on their speculation of persistent abuse in the Constitution. Madison continues,

I stated that there was a period when the Southern States were advocates for the alienation: or suspension, of the right to the Mississippi, (I will not say which,) and the Eastern States were against both. I mention this to show that there was no disposition in that part to surrender that right, or dispose of that country. I do suppose that the fishery had its influence on those states. No doubt it was the case (Elliot 1974, 345).

Madison uses his language very carefully here to not give away too much information, it seems, since he will reveal the truth of the understanding of the south. Here he reveals a shifting position on the part of the Anti-Federalists. Madison is insinuating that his opposition was not even relying on political principle to inform their decisions, but rather biased opinions about the document in question. This has implications for derived sovereignty because it speaks to

representation: the southern states have a much smaller population for representation than the northern states, especially with the Constitutional addition of the 3/5 Compromise⁴. Western expansion beyond the Mississippi would ensure them more southern votes. For this reason, the Anti-Federalists beg the question. Madison, however, resents their sentiments and tells them of the facts of the matter. He does this in order to show them that their analysis is incorrect and that this will not have any implications for derived sovereignty as decided within Congress, to the extension of decisions which are made in Congress after representatives are selected. Madison continues, “The people at large choose those who elect the President. The weight of population will be to the southward, if we include the western country” (Elliot 1974, 347). Madison argues that the south has just as much say in government without expansion, and so the claim of his opponents is false because the majority of ideas rests in the south while the majority of population rests in the north. Madison is the only delegate to really give a clear account of what this language means, and what the nature of expansion would look like. Other delegates such as Gov. Randolph and Mr. Corbin also speak to the issue, but provide more speculative accounts of the matter because they do not really understand it themselves. The south was concerned with this in terms of slavery. They did not want their rights to own slaves to be undermined by the new document, and even worse, the refusal to allow expansion beyond the Mississippi.

This is evident when Gov. Randolph speaks to the nature of slavery in response to Patrick Henry. He says, “I sympathized most warmly with what other gentlemen said yesterday, that, let the contest be what it may, the minority should submit to the majority. With satisfaction and joy I heard what he then said — that he would submit, and that there should be peace if his power

⁴ The language of the 3/5 Compromise can be found in Article 1 Section 2, point 3 of the Constitution.

could procure it” (Elliot 1974, 597). Gov. Randolph is against the idea of slavery as well as Henry, and they also agree that the dictates of the majority should decide the nature of slavery, and that the general government should not have the power to make this decision, even though both he and Henry admitted to wanting to abolish it, if that power were allowed.

Weak Derived Sovereignty

Delegates critical of the grant of power provided by the Constitution are classified as favoring weak derived sovereignty and are located in the second column of Table 2. Many delegates to the Virginia Convention thought that the grant of power vested to Congress was far too extensive and that this would jeopardize the rights of the people. In this convention, most delegates were more concerned with derived sovereignty as opposed to principle, so I was better able to classify delegates based on this understanding.

Once again, the most adamant speaker against the grant of derived sovereignty provided by the Constitution was Patrick Henry, aided by Mr. Grayson and Mr. Mason. The grant of power written into the Constitution was absolutely absurd to them as it opened the door for the national government to abuse its power. That the Federalists even thought that this would be okay with them as well as the general public only furthers the absurdity of the position taken by the proponents of the Constitution. Mr. Henry says,

You are told there is no peace, although you fondly flatter yourselves that all is peace; no peace; a general cry and alarm in the country; commerce, riches, and wealth, vanished; citizens going to seek comforts in other parts or the world; laws insulted; many instances of tyrannical legislation. These things, sir, are new to me. He has made the discovery. As to the administration of justice, I believe that failures in commerce, &c., cannot be attributed to it (Elliot 1974, 139).

Here, Mr. Henry is trying to show that the document at hand is deceptive to the people. Madison and his cohort are trying to convince the public that this government is necessary to their rights and freedoms being best protected when in reality, as Henry sees it, this is a method of

brainwashing the public into seeing the Articles as abusive when they really are not. He does not want to see the public manipulated into something that is unfit for them, and so he and his fellow opposers fight adamantly against the abusive level of derived sovereignty in the Constitution.

Mr. Grayson joins Mr. Henry. More specifically, he discusses the absurdity of vesting the power of the purse in Congress. He says, “As to direct taxation -- give up this, and you give up every thing, as it is the highest act of sovereignty: surrender up this inestimable jewel, and you will throw away a pearl richer than all your tribe” (Elliot 1974, 280). Mr. Grayson speaks to the power of taxation as the most vitally important power to a government. He does not think that the states should give up this power to the general government, and if they do then the sanctity of protective and free government is put into question. Mr. Dawson adds to Mr. Grayson and expresses his agreement with his sentiments. He says that it “...appears to me to be big with unnecessary danger, and to reduce human nature, to which I would willingly pay a compliment did not the experience of all ages rise up against me, to too great a test” (Elliot 1974, 608-609). Mr. Dawson thinks that the grant of power in Section 8 is far too extensive and abusive to the people. The delegates who believed in weak derived sovereignty thought that Article 1 Section 8, in particular, was able to destroy the protection of the rights of the people. Congress having power over both the purse and sword is tyrannical, in their understanding, and will inevitably be used for evil rather than the “good” purpose that Madison keeps saying is the case. They were extremely skeptical that the people alone would be able to control their representatives to use their power in the proper way, as Madison describes as proper. Because of this, they thought that the people should have a middleman of sorts so that this abuse is impossible. For them, this middleman was the states, as they would better protect the people according to the opposers. The state government holding these powers is more protective of the people because the general

government is too large to be able to be concerned with the entirety of the American people. The states, on the other hand, are much smaller, and thus can be more attentive to the needs of the people.

Speaking to Article 2, the powers of the executive, Mr. Dawson adds, “Exclusive, then, sir, of any consideration which arises from the particular system of American politics, the guard established against the exercise of this power is by far too slender” (Elliot 1974, 610). Mr. Dawson thinks that there are insufficient checks on the executive in this Constitution, which is why he is classified as understanding weak derived sovereignty. The general government is too big a body to be able to protect the people adequately. Mr. Grayson agrees with Mr. Dawson, saying, “How will you punish him if he abuse his power? Will you call him before the Senate? They are his counsellors and partners in crime. Where are your checks? We ought to be extremely cautious in this country. If ever the government be changed, it will probably be into a despotism” (Elliot 1974, 491). Mr. Grayson agrees that there are too few checks on the President, and that this lack of checks will result in him abusing his power. If the executive is able to abuse their power in such a way that affects and infringes upon the rights of the people, then how is he better than a king? What is the difference? The opposition to the Constitution battles with this question consistently when addressing Article 2, because they think that it is inevitable that the President will abuse his powers. Mr. Monroe proposes a solution to this problem, saying, “...and that our circumspection should be commensurate to the extent of the powers delegated, — proceeded as follows: The President ought to act under the strongest impulses of rewards and punishments, which are the strongest incentives to human actions” (Elliot 1974, 488). Mr. Monroe understands that Article 2’s only real protections against the people is the sliding scale of rewards and punishments that the President may face. He also thinks that those in charge of

his election should be the state governments. He continues, “I believe that he will owe his election, in fact, to the state governments, and not to the people at large” (488). He thinks that the President should be selected by electors and not the people. Though the Constitution does establish the electoral college as the electoral body of the President, Mr. Monroe finds this insufficient because the electoral college is designed to listen to the popular vote of the people and reflect their vote, to some degree. They are allowed to vote however they see fit, and for whichever candidate they prefer, but then why have a popular election at all? The reason the popular election is in place is to inform the decisions of the electoral college. So, then, what is the point in it? This is the argument that Mr. Monroe is making here, and he thinks that the solution should be to eliminate the electoral college and the popular vote and simply have the states decide instead.

Patrick Henry was against Article 3, also because he thought it did not do enough to protect the American people. He says, “...there is to be a trial by the jury in the state where the fact was committed; but, sir, this state, for instance, is so large that your juries may be collected five hundred miles from where the party resides — no neighbors who are acquainted with their characters, their good or bad conduct in life, to judge of the unfortunate man who may be thus exposed to the rigor of that government” (Elliot 1974, 578-579). The judicial system as set up by the Constitution does not serve the best interest of the people and makes their process of trial much more impractical and unfair, according to Henry. The juries provided can be from different states and cultural backgrounds, and as Mr. Henry views it, that works against the defense. This abuse should be unconstitutional, and he thinks it should be changed. Mr. Mason agrees with Henry here, saying that the states should be responsible for much more in the third Article than they are. He says, “After having read the first section, Mr. Mason asked, What is there left to the

state courts? Will any gentleman be pleased, candidly, fairly, and without sophistry, to show us what remains? There is no limitation. It goes to every thing. The inferior courts are to be as numerous as Congress may think proper” (Elliot 1974, 521). Mr. Mason is concerned that this federal judiciary will undermine the role of the states in the legal system. He, and most of the rest of the delegates in favor of weak derived sovereignty, believed that the states were more protective of the rights of the people, so he thought that they should be in charge of the judiciary much more so than the Constitution accounted for.

Mr. Mason continues on Article 4 saying, “...on some former part of the investigation of this subject, gentlemen were pleased to make some observations on the security of property coming within this section. It was then said, and I now say, that there is no security; nor have gentlemen convinced me of this” (Elliot 1974, 585). Mr. Mason thinks that Article 4 has no security of the people whatsoever. This is problematic because property protection is one of the most fundamental rights of the people which the government is supposed to protect, so, to this end, he did not think that the general government should hold most of the power of government as opposed to the states. This shows that Mr. Mason does not agree with a strong grant of derived sovereignty to the general government.

On the question of the Mississippi, the Anti-Federalists fought adamantly against the general government holding the power to restrict the southern expansion into this territory. This was a concern because the Anti-Federalists, as the minority in society, deemed expansion necessary to gaining the majority in government. To this extent, the Anti-Federalists were already thinking about a party-system. Mr. Grayson outlines the tension when he says, “With respect to the Mississippi and back lands, the Eastern States are willing to relinquish that great and essential right; for they consider the consequences of governing the Union as of more

importance than those considerations which he mentioned should induce them to favor it” (Elliot 1974, 349). Mr. Grayson views the lack of caring from the north on the question of the Mississippi as a way for them to maintain their power against the south. This, to him, inherently violates the idea of a union. Patrick Henry agrees with him, saying,

Unless you keep open the Mississippi, you never can increase in number. Although your population should go on to an infinite degree, you will be in the minority in Congress: and although you should have a right to be the majority, yet so unhappily is this system of politics constituted, that you will ever be a contemptible minority. To preserve the balance of American power, it is essentially necessary that the right of the Mississippi should be secured (Elliot 1974, 352).

Henry illustrates the concerns of the Anti-Federalists, without expansion into and past the Mississippi River, the south will always be oppressed in this form of government simply because they will have fewer representatives than their northern brethren because of the difference in population. The south was very rural and had low populations, whereas the north was more industrialized and had cities which was home to large numbers of people. The Anti-Federalists worried that this government would prevent them from being able to be protected within the confines of their own country. He continues, “I may have misunderstood the gentleman, but my notes tell me that he said the House of Representatives might interfere, and prevent the Mississippi from being given away. They have no power to do this by the Constitution. There will be a majority against it there also. Can you find on the journals the names of those who sacrifice your interest” (Elliot 1974, 355)? Here, he is speaking to a member of the opposition who does not agree with Henry’s understanding of the necessity of maintaining control of the Mississippi. He agrees with Mr. Mason that the ability of the northern states to decide the question of the Mississippi through their congressional majority is abusive and tyrannical to the will of the southern states. To this end, slavery also becomes an issue at this convention, but only to a certain extent. In terms of derived sovereignty, this has implications on any decision the

south may be able to make while serving as a representative in Congress. If their populations are lower than those of the north, then they will have no reason to think that they will be able to pass any legislation while in office, which is problematic to the ends of government as well as the notion of derived sovereignty, because in this case only the north would hold any derived sovereignty in Congress.

The delegates to the Virginia Convention, except for a few, did not seem to really care about maintaining the slave trade and making sure it was Constitutionally protected, but they did care about the north thinking that they were allowed any say in southern affairs, no matter what the affair may be. Henry says, “The paper speaks to the point: they have the power in clear, unequivocal terms, and will clearly and certainly exercise it. As much as I deplore slavery, I see that prudence forbids its abolition. I deny that the general government ought to set them free, because a decided majority of the states have not the ties of sympathy and fellow feeling for those whose interest would be affected by their emancipation. The majority of Congress is to the north, and the slaves are to the south” (Elliot 1974, 590). Henry does not like the idea of slaves, but he is even more against the proposition that this document should have any say over people’s slaves. This speaks to derived sovereignty because Mr. Henry does not think that the general government should have the power to emancipate slaves and abolish slavery as an institution. Anticipating, in part, the argument of Senator Stephen Douglas, these delegates place the responsibility of determining the fate of slavery exclusively in the hands of the states.

Conclusion

The Virginia convention ultimately voted to ratify the Constitution, to Patrick Henry’s dismay. The modes of sovereignty seen in this convention are consistent with what was found in the Massachusetts convention, with the exception of the ‘middle’ understanding of derived

sovereignty not being present in the Virginia convention. Outside of this, the two conventions were very similar in understanding of sovereignty. To this end, the understandings provided in the Virginia convention are also consistent with Mogg's findings that the Constitution is founded on a single, multidimensional theory of sovereignty.

The Virginia Convention solidified the idea that locating principles sovereignty with the state governments coincides with an understanding of weak derived sovereignty. Delegates who locate principle sovereignty with the American people, in contrast, favor strong derived sovereignty. All twelve of the delegates holding the position that principle sovereignty resides with the people of the United States favor the extensive grant of power provided the national government by the Constitution. A similar pattern holds for the three delegates who locate principle sovereignty with the state governments. Henry, Monroe, and Grayson all take the position that the national government is given too much power and this power should reside with the state governments. Given this pattern, the possibility of making sense of the positions of Dawson and Harrison (unable to classify) on the principle sovereignty dimension is raised. Both delegates hold the position that derived sovereignty should be weaker than provided by the Constitution. If the position of these delegates is similar to the other Virginia delegates arguing for weaker derived sovereignty, they would also locate principle sovereignty with the state governments. Where principle sovereignty is located also helps one to make sense of George Mason who is the only delegate to the Virginia Ratifying Convention to locate principle sovereignty with the people of the states. Mason's preference for popular sovereignty at the state level leads him to favor granting the state governments greater power while minimizing the power of the national government. Given the presence of these relationships, a key implication of

the results presented here points to the need to consider how delegates understood the mechanism linking the two dimensions of sovereignty—representation.

**Table One: Delegate Positions on Principle Sovereignty at the
Virginia State Ratifying Convention**

People n=13	States n=3	Non-Classifiable n=2
<div>Mr. Pendleton</div> <div>Mr. George Mason*</div> <div>Mr. Wilson Nicholas</div> <div>Mr. George Nicholas</div> <div>Gov. Randolph</div> <div>Mr. Madison</div> <div>Mr. Lee</div> <div>Mr. Corbin</div> <div>Mr. Marshall</div> <div>Mr. Wythe</div> <div>Mr. Innes</div> <div>Mr. Johnson</div> <div>Mr. Stephen</div>	<div>Mr. Henry</div> <div>Mr. Monroe</div> <div>Mr. Grayson</div>	<div>Mr. Dawson</div> <div>Mr. Harrison</div>

**Table Two: Delegate Positions on Derived Sovereignty at the
Virginia State Ratifying Convention**

Strong n=12	Weak n=6	Non-Classifiable n=0
Mr. Pendleton	Mr. Henry	
Mr. Wilson Nicholas	Mr. George Mason	
Mr. George Nicholas	Mr. Monroe	
Gov. Randolph	Mr. Grayson	
Mr. Madison	Mr. Dawson	
Mr. Lee	Mr. Harrison	
Mr. Corbin		
Mr. Marshall		
Mr. Wythe		
Mr. Innes		
Mr. Johnson		
Mr. Stephen		

Chapter 4: Conclusion

The analyses presented here for the Massachusetts and Virginia Ratifying Conventions show sovereignty was understood as a multidimensional concept. The first dimension, principle sovereignty, concerns the question of where the ultimate authority is society resides. In both cases studies here, this authority is placed in the hands of the American people. The second dimension, derived sovereignty, concerns the amount of authority given the national government by the US Constitution and here evidence indicates that derived sovereignty can be understood along a continuum ranging from weak to strong. In other words, when it comes to the power of the national government, some viewed the Constitution as granting too much power and that it was necessary to limit the grant or power in order to protect fundamental rights and liberties. Others, in contrast, view the grant of power as essential to securing these same rights and liberties. These results reveal a consistent understanding of both dimensions of sovereignty across both conventions, with the exception of a few minor discrepancies. Thus, the results presented here provide additional support for Mogg's (2006) reading of the Constitutional Convention of 1787. Whether this similarity is actually a relationship in understanding or simply a commonality of all citizens begs to be answered, but nonetheless the understandings of sovereignty are consistent.

The two conventions were similar in nature but radically different in details. The Massachusetts Convention was fairly straightforward. It was rather short, the debate was effective but not outlandish in speech or argument, and it was also very limited. The Massachusetts Convention almost exclusively discussed derived sovereignty, most specifically Article 1 Section 8. It was limited in its nature as well as its participation, as less than 20% of the convention actually spoke during the course of the debate. Virginia, however, though also

limited in participation, had a much more extensive debate in terms arguing the language of the document at hand. The Virginia Convention, in terms of page lengths of the debate records, was three times longer than that of Massachusetts. The debate also covered the whole document rather than just a specific few clauses as we saw with Massachusetts.

Though the two conventions were different in detail they were very similar in terms of the content of the debates themselves. The understandings of sovereignty derived from the document remained mostly consistent between the two debates. Both conventions identified principle sovereignty as resting with the American people or the state governments, with a couple of delegates operationalizing this with the people of the state. The biggest distinction in the understanding of sovereignty between the two debates was with derived sovereignty. Here, both conventions had an understanding of weak and strong derived sovereignty, but unlike the Massachusetts Convention, the Virginia Convention did not show any evidence of any delegates switching their position on ratification due to the addition of amendments. Virginia also introduced amendments, but they did not hold the same influence that they did in Massachusetts. Fortunately, the swayed amendment votes were not necessary to the ultimate ratification of the Constitution in Virginia.

The language of the debate in Massachusetts was overall more delicate, arguably, than that of Virginia as well. In Massachusetts, the delegates seemed to listen to each other more and respect the people they were sparring with, whereas in Virginia, they still had respect for their fellow delegates, but they were much less polite in their speech. While both conventions contained language of personal attacks against various delegates, this was seen much more in Virginia than Massachusetts. Part of this can be attributed to the more robust discussion of the Constitution as is seen in Virginia, but the other part can be attributed to varying strong opinions.

Massachusetts did not really feature any delegates who were adamantly and persistently against the ratification of the Constitution. There were plenty of delegates who did not like the document and did not want it to be signed into government, but they were not as vocal or angry, arguably, about the Constitution as delegates to the Virginia convention were. The language of the Virginia debate contained many more strongly worded speeches than did Massachusetts, and therefore I was able to get a better understanding of the levels of sovereignty described at the Virginia convention than at the Massachusetts for individual delegates. I was able to classify more delegates in Massachusetts, but I was able to give more detailed accounts of the understandings of certain delegates from Virginia because they spoke more to these understandings. Further, the Virginia convention addresses the issue of slavery, though in a very limited manner. Most of the debate between the two sides about this were about population sizes across the states, and the worry of the Anti-Federalists that this document will prevent the expansion of the southern states to the Mississippi, so they will be in the minority of Congress for the entirety of government. This question, or anything outside of the direct language of the document, really, was not addressed in the Massachusetts convention, showing the importance of this topic as providing the main difference between Massachusetts and Virginia in terms of political grounding: industrialization. Massachusetts was becoming increasingly industrialized during this time, whereas Virginia was still filled with plantation owners and farmers. To this end, the population of Massachusetts, and most of the northern states, was much higher than that of Virginia. The people of Virginia worried about this because they feared the northerners would undermine the ability of the southern states to protect their rights and their property in government.

When combined with the analysis and argument of Mogg, the results presented here have implications for how one should consider the issue of sovereignty in American politics. In

particular, the multi-dimensionality of sovereignty highlights the need for clarity and the need for clarity speaks directly to James Madison's concern with the problem of language. In *Federalist* #37, Madison warns his reader about the problems inherent in language. He writes, "...The obscurity arising from the complexity of objects, and the imperfection of the human faculties, the medium through which the conceptions of men are conveyed to each other, adds a fresh embarrassment" (#37: 183). Here, Madison suggests that the imperfection of language has the effect of rendering complex ideas and concepts more obscure. He writes, "The faculties of the mind itself have never yet been distinguished and defined, with satisfactory precision, by all the efforts of the most acute and metaphysical philosophers" (#37: 182). Thus, if the requisite precision lies beyond the capacities of the "most acute and metaphysical philosophers" (#37: 182), it is reasonable to conclude that this level of precision is beyond the capabilities of the people and their elected and unelected officials. Of all of the issues considered by the delegates to the Constitutional Convention of 1787, Madison highlights, "...the arduous...task of marking the proper line of partition, between the authority of the general, and that of the state governments" (#37: 182). For Madison, it is the topic of sovereignty where the language available to the delegates proves most insufficient. Scholars working on this topic should give Madison's warning the attention it deserves.

The results for the Massachusetts and Virginia Ratifying Conventions presented here have implications for how one should understand the debate between nationalists and federalists over the nature of sovereignty in the United States. As Mogg (2006) concludes, this debate has progressed very little on account of the fact that it has not been equipped with the proper vocabulary (the distinction between principle and derived sovereignty) to answer the question posed. Equipped with this analytic distinction and considering the question of who possesses

principle sovereignty, the results presented here support the nationalist argument. While a few delegates hold the position that principle sovereignty resides with the states, the overwhelming majority of delegates locate principle sovereignty in the hands of the American people (see Wood 1977 & 1988, Breen 1997, Ferguson 2000, Roche 1961, Jensen 1943, Rossiter 1966). These results also confirm a central element of the partly federal and partly national interpretation of the Constitution. These scholars (see Diamond 1992, Powell 1987, McDonald 1985) correctly consider the implications of Madison's warning about the ambiguity of language. The problem is that these scholars never apply this warning to the common assumption informing the research in this area: that the US Constitution is informed by a single, coherent theory of sovereignty. Thus, these scholars miss the analytic distinction between principle and derived sovereignty that characterizes the Constitutional Convention of 1787 and at least two of the state ratifying conventions.

These results, when combined with those of Mogg (2006), point to the utility of approaching debates over the Constitution from a delegate centered approach that looks at each individual delegate across the duration of the proceedings. In doing so, evidence is presented to indicate that these debates are more informed by ideas than self-interest. The fact that individual delegates have structured, consistent positions on sovereignty is consistent with other scholars who contend for the priority of ideas (see McDonald 1985 & 2004, Adair 1998, Powell 1987, Diamond 1992, Wood 1987 & 1998, Rossiter 1966, Rackove 1987) over self-interest (see Jensen 1943, Onuf 1988, Morgan 1988, Beard 1935). Given the limited focus of this study (the Massachusetts and Virginia Ratifying Conventions) and the fact that only Mogg (2006) has applied the methodology used here, prudence dictates that this conclusion be viewed with a

certain amount of doubt. However, it is certainly possible to replicate these studies in other ratifying conventions and to do something similar for other concepts present in the Constitution.

Finally, this study speaks to how scholars should approach the study of American political thought. Students of American political thought should not only pay greater attention to the state ratifying conventions, but they should be mindful of the fact that these conventions will not simply confirm or reject previously articulated understandings of key terms. While this study set out to confirm or reject the understanding of sovereignty identified by Mogg (2006), it was able to add to her understanding of sovereignty. This indicates that the meaning of key aspects of American political thought are likely never set in stone. Rather, they are continually being reconsidered, revised, and added to by the various actors of the American political system.

Both of the analyses provided here remain limited in certain aspects, however. In Massachusetts, the main limitation was the number of participating delegates to the debate. Most delegates sat and listened to the arguments made in Massachusetts, while very few actually contributed to them. This helps to explain the very narrow scope of discussion as is seen in the Massachusetts record, as well as provide limitations for how well we can truly classify these delegates as a whole. Despite the ultimate vote to ratify, it is possible that one or more of the delegates who did not speak at the convention held some sort of different understanding about what they think sovereignty should look like, but we will never know if that was the case. In Virginia, we see a similar problem. Though the participation is higher, proportionately, in Virginia than in Massachusetts, this debate had almost the opposite problem with the lack of participation. In Virginia, the debate was absolutely dominated by a few delegates who provided long accounts for their understandings and opinions on government. To this end, it's possible that, opposite from Massachusetts, Virginia's delegates simply could not get a word in, and that

is why their participation was so low. Massachusetts had about double the delegates in attendance that Virginia did, providing for the confusion on participation. Further, Virginia's convention consisted of many 'giants,' as Maier (2011, 257) wrote, so it is also possible that the delegates who were not included in that description knew their position in the debate to be a sort of 'standing room only' situation, and they knew that they were not there to contribute to the debate but only to contribute to the vote.

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Appendix 1: Massachusetts Vignettes

Mr. Widgery – New Gloucester:

People of the State, Weak

Mr. Widgery was against the idea that Congress should have the power of direct taxation, and he was not quiet in his arguments against this article. He said, “If Congress...have this power of taxing directly, it will be in their power to enact a poll tax. Can gentlemen tell why they will not attempt it, and by this method make the poor pay as much as the rich” (1251)? He was worried that if Congress had the power to tax, then they would abuse their power and therefore undermine the sovereignty of the American people. Mr. Widgery’s concern here is with derived sovereignty, and not giving the general government too much derived sovereignty. His concern with poll taxes speaks to his understanding of principled sovereignty (the people are principle). He believes this to be the power of the people and not the general government. Though he doesn’t indicate who the “people” are, those of Massachusetts or of America, it is clear that he believes this power should remain with the principle sovereign. This is reinforced by his use of “rich,” as this points to a concern with the development of an aristocracy in America.

Mr. Widgery was also against the idea that the Constitution should be passed quickly simply out of necessity. He says, “Gentlemen say we are undone, and that there is no resource, unless this Constitution is adopted. I cannot see why we need, for the sake of a little meat, swallow a great bone, which, if it should happen to stick in our throats, can never be got out” (1353). Overall, Mr. Widgery’s main concern was the American people, and he believed that the people of America are the principle sovereign. However, there was also the concern that, should this direct taxation power be awarded to Congress, would it be too much power? He believed in the people as principle but also questioned the amount of power which the derived should have.

⁵ He was mainly against Article 1 Section 8

Mr. Sedgwick – Stockbridge:

People, Union, Strong

Mr. Sedgwick was initially appointed to the committee to establish the rules for the Convention, along with Mr. Widgery. He is widely democratic and believes in the internal checks and balances of government. Meaning that he understands that the Constitution in question will work to self-regulate government rather than having the people worrying about a potential aristocracy forming. This shows Mr. Sedgwick's understanding of the people as the principle sovereign, and it shows that his understanding of derived sovereignty says that big government is good, and they should have more expansive power based upon the checks and balances of government.

Mr. Sedgwick believes in the people's right to elect legislators, and he believes that the ultimate power of government comes from the sovereignty of the people. In response to the argument that representatives should meet a certain property ownership standard, Sedgwick says, "...that this *objection* was founded on an anti-democratical principle, and was surprised that gentlemen who appeared so strenuously to advocate the rights of the people, should wish to exclude from the federal government a *good* man, because he was not a *rich* one" (1236). This shows his commitment to the people as the principle sovereign because he believes that it is within the rights, and for the good will of the people to have any man be able to run for office, no matter his financial status.

He continues, in response to an article stating that representatives are able to choose their own salary, "Can a man...who has the least respect for the good opinion of his fellow-countrymen, go home to his constituents, after having robbed them by voting himself an exorbitant salary? This principle will be a most powerful check; and in respect to economy, the power lodged as it is in this section will be more advantageous to the people than if retained by the state legislatures" (1284). This shows his understanding of this Constitution creating a union rather than a confederacy, as well as the people being principle sovereign. In his argument for the people being principle, he said that the people would only be voting for proper officials who maintain morals and work for the good of the people, and therefore there is no need to forbid representatives from choosing their own salary because if a representative begins to abuse this power, then the people will simply vote them out of office. As for his understanding of this government being representative of a union, he says, "the power lodged as it is in this section will be more advantageous to the people than if retained by the state legislatures" (1284). This shows the key difference between the Articles of Confederation and this new Constitution: in the Articles the people did not have the power to remove elected officials, and in the Constitution the people do have this power. Since the Articles represented a confederation, this power was exercised solely by the parties to the confederacy, so the states would have all of this power rather than the people. This shows his support for the people as principle. This further shows that even when the staunch advocates of state power discuss the people, they have a very democratic understanding of how politics should work. The protection of the people is always the most important question for a government, and Mr. Sedgwick here thinks that the power of the recall is both secure and rightly held by the people. This speaks to his understanding of derived sovereignty as well because it shows his support for the grant of power in the Constitution, and

that he thinks that there are proper checks on government because he thinks the power is well placed and important.

Dr. Taylor – New Marlborough

State Government, Confederacy, Weak

Dr. Taylor views the state government as being the principle sovereign. He has an understanding of this new government creating a confederacy rather than a union. Though he clearly shows some confusion in understanding the key differences between the ideals of a confederacy and union, he speaks to the development of a confederacy. He says on the topic of annual versus biennial elections,

By the Articles of Confederation, annual elections are provided for, though we have additional securities in a right to recall any or all of our members from Congress, and a provision for rotation. In the proposed Constitution, there is no provision for rotation; we have no right by it to recall our delegates. In answer to the observations, that, by frequency of elections, good men will be excluded, I answer, if they behave well, it is probable they will be continued; but if they behave ill, how shall we remedy the evil? It is possible that rulers may be appointed who may wish to root out the liberties of the people (1185-1186).

Dr. Taylor is still very committed to the idea that a confederation is the proper structure for this government (Articles of Confederation), though he shows some confusion of language in his true understanding of this difference. He neglects to understand that, under the new government, the people would have the power to remove representatives from office. Under the Articles, this power was given to the parties and state governments, and this shift in power is something which Dr. Taylor has misunderstood. Dr. Taylor is democratic and non-democratic at the same time. He agrees with the democratic principles of removal of office but does not think that this power should go to the people.

Judge Dana – Cambridge

People, Union, Middle

Judge Dana has a robust understanding of the people as principle. He believes in a union form of government and the people voting for all elected officials. He says on the topic of representation size,

...if the Constitution under consideration was in fact what its opposers had often called it, a consolidation of the states, he should readily agree with that gentleman that the representation of the people was much too small; but this was a charge brought against it without any foundation in truth. So far from it, that it must be apparent to every one, that the federal government springs out of, and can alone be brought into existence by, the state governments. Demolish the latter, and there is an end of the former (1238).

His understanding of government here, reflects that the state governments are the principle. Should the state governments be demolished, the federal government would be too. The people are nowhere to be found in his understanding of sovereignty as stated here.

He continues, on the topic of amendments to the Constitution,

It contained, he said, the amendments generally wished for, as they were not of a local nature, but extended to every part of the Union. If they were recommended to be adopted by this Convention, it was very probable that two thirds of the Congress would concur in promising them; or that two thirds of the legislatures of the Several states would apply for the call of a convention to consider them, agreeably to the mode pointed out in the Constitution... (1403).

He wants the amendments because they would further protect the liberties of the people. He believes that the delegates to the Constitution would also agree to these amendments. This speaks to his understanding of derived sovereignty as it would be giving Congress the power to protect the inalienable rights of the people, but also shows that there is a necessity in this government to better protect the rights of the people. In the passage of the Constitution with amendments, there are three tiers of derived sovereignty: those for the ratification with amendments, those against and those that are stuck in the middle and need to be swayed either way.

Dr. Jarvis – Boston

People, Union, Strong

Dr. Jarvis has a robust understanding of the people as principle. On Congress having the power of election, he says, "...that there is a very material distinction in the two cases; for, however possible it may be that this controlling authority may be abused, it by no means followed that Congress, in any situation, could strip the people of their right to a direct representation" (20). His use of 'direct representation' speaks to his understanding of the people as principle. He believes that the representatives to the national government should be selected by the people rather than the state legislatures. This also speaks to his understanding of individual rights of the people and his willingness to stand up for such rights. He understands that the people are in control no matter what; there should be no breach of the control of the people to control elections and vote for any and all representatives. He continues, "The right of election, founded on the principle of equality, was...the basis on which the whole superstructure was erected; this right was inherent in the people; it was unalienable in its nature, and it could not be destroyed without presuming a power to subvert the Constitution..." (20). Our country, pre-Constitution, was grounded upon principles of equality of man in terms of election, as Dr. Jarvis understands it, meaning that giving up this power to Congress would give too much power to the derived sovereign. He added, on the same topic of election, "He considered the Constitution as an elective democracy, in which the sovereignty still rested in the people..." (20). This simply exemplifies his commitment to the people as sovereign.

Dr. Jarvis also believes that the Constitution will create a union structure of government. He says, on the debate over the passage of the Constitution with amendments, "If it be alleged that this union is not likely to happen, will it be more likely that a union of a greater number of concurring sentiments may be had, as must be, in case we reject the Constitution in hopes of a better? But that this is practicable, we may safely appeal to the history of this country as a proof, in the last twenty years" (1374). He believes that, even if the amendments should not pass, this Constitution is the best way to establish a union and maintain the people as principle. Dr. Jarvis belongs to the camp of delegates who are in favor of passing the Constitution with amendments, though would also have ratified if the amendments were not in place.

Mr. Dalton – Newbury

People, Union, Strong

Mr. Dalton's participation during the MA ratifying convention is sparse. When not sparring with Mr. Randall over the fertility of the soil in the South (1244), Mr. Dalton appears on the record only three more times. Fortunately, two of the three appearances allow Mr. Dalton to be classified as locating principle sovereignty with the people and being in favor of strong derived sovereignty located at the national level.

The former position is indicated by Mr. Dalton's support of proportional representation. He speaks favorably of the proposed Constitution's reliance on proportional representation of the people in contrast to the equal representation of the states under the Articles. Appealing to political self-interest, Mr. Dalton notes that this would benefit Massachusetts (1255) and that this change explains why he changes his position on the power to tax. He says, "...said we had obtained a great deal by the new Constitution. By the Confederation each state had an equal vote. Georgia is now content with three eighths of the voice of Massachusetts" (1255).

Mr. Dalton's explanation for why his position changes allows one to derive his positions of principled and derived sovereignty. According to him, replacing the equal representation of the states with proportional representation based on population in the House serves as an adequate ground for changing his position on imposts. He reasons that the Article I, Section 8 grant of power is safe under the proposed Constitution because the people have adequate checks to prevent the abuse of this power. He says,

Sir, I was opposed to the five per cent. impost being granted to Congress; and I conceived that such a grant, under the Confederation, would produce great difficulties and embarrassments. But, sir, as Congress is, by the proposed Constitution, to be differently constructed, as a proportionate voice of the states in that body is to be substituted for the present equal (or rather unequal) one, my objections will be removed. In my opinion, the delegating of power to a government in which the people have so many checks, will be perfectly safe, and consistent with the preservation of their liberties (1352).

By locating adequate checks to prevent the abuse of power in the hands of the American people, Mr. Dalton indicates that they serve as the principle sovereign. This position is supported by the fact that Mr. Dalton views power of derived sovereignty as something that this delegated to the general government (1352) which accords with the login of the principle-agent relationship.

As for Mr. Dalton's position on derived sovereignty, he can be classified as favoring a strong national government. This is evident in his position on proposing amendments to the Constitution. He is clear that he is fine with the document as is, but he is willing to support amendments as long as they are "of a conciliatory nature, and not as a concession that the amendments are necessary" (1407).

Mr. G. Dench (Capt. Dench) – Hopkinton

People of the States, Confederacy, Weak

Capt. Dench's participation in the debates was rather minimal. He spoke mostly for points of clarification, but he was more active in the debate when the question of sovereignty arose. Capt. Dench is an example of the difficulties surrounding sovereignty and to ambiguity of language.

His lack of clarity regarding the nature of sovereignty caused Dench to confuse a confederacy and a union. On Congress having the power of taxation, he says, "...it had been observed, and he was not convinced that the observation was wrong, that the grant of the powers in this section would produce a consolidation of the states, and the moment it begins, a dissolution of the state governments commences. If mistaken, he wished to be set right" (1338). Should this show his understanding of sovereignty, he would understand it more in a confederate view, meaning that the state governments would be principle. This is understood because he is greatly concerned with the consolidation of states. He does not identify here that giving this power of direct taxation to Congress would be a breach of derived sovereignty, awarding too much of this to the general government. Rather, he is concerned for the states, showing an understanding of a confederacy. Given that the power to tax is also the power to destroy, this shows that he is not concerned with the potential of the power to destroy or act on the individual, which clearly shows the states as principle sovereign. However, this is arguably the result of a misunderstanding in definition of sovereignty and application thereof. It could be argued that, although he is concerned with the state governments, this does not mean that he views them as principle. Rather, he could simply understand that these bodies are necessary for government to function regardless of where sovereignty lies, though there is no proof of this understanding.

As the debate continues, and Capt. Dench speaks more frequently, we can see his understanding of sovereignty shift immensely. Towards the end of the Convention, when the question of amendments begins, he provides a motion to stop the Convention until a later time in order to reach out to the people and share with them the amendments they proposed, and hopefully gain their support. The motion was stated as such: "That, for the purpose of informing the good people of this commonwealth of the principles of the proposed federal Constitution. and the amendments offered by his excellency, the president, and reported by the committee, and of uniting their opinions respecting the same, this Convention do adjourn to a future day" (1450). His motion was rejected, as most delegates were concerned with the speedy passage of the Constitution. However, this shows the shift in his understanding of sovereignty. His concern with the approval of the residents of Massachusetts creates tension with his original understanding of the states as principle sovereign. This could possibly be Capt. Dench revealing the idea that at the heart of an understanding of confederacy is an understanding of popular sovereignty. He could be saying that the people of a state are the principle and state governments are the agent or the body which exercises derived sovereignty. This would also mean that the Continental Congress exercises derived sovereignty from the state governments. This reveal is a possibility, but there is no way to know for sure as the ambiguity of language causes problems in resolving this tension.

Mr. Gorham – Charlestown

People, Union, Strong

Mr. Gorham is quick to clear up any confusion that may have come to the Convention floor, as well as provide more contextual understandings of topics such as representation in Congress, the power of taxation in Congress, as well as proposed amendments to the Constitution. Though Mr. Gorham speaks somewhat frequently at the convention, most of his recorded speech speaks to these factual corrections rather than his understanding of sovereignty. Thus, it is necessary to infer theoretical positions from the particular, concrete positions he takes over the course of the convention.

On the topic of Congress potentially abusing power with the power of direct taxation, he says,

With respect to the proposed government degenerating into an aristocracy, the honorable gentleman observed, that the nature and situation of our country rendered such a circumstance impossible; as, from the great preponderance of the agricultural interest in the United States, that interest would always have it in its power to elect such men as would, he observed, effectually prevent the introduction of any other than a perfectly democratical form of government (1302-1303).

Here he states that he has an understanding of a democratic form of government, which would speak to the people being sovereign except that he makes no clarification of who might elect these officials. It can be deduced, however, that he prefers the people as principle because he shows an understanding of the language of the Constitution to be correct: that the people will be able to select an adequate representative. This also points to his agreeance in providing the general government with more derived sovereignty, however, creating an understanding that he believes that the derived should contain more power than other delegates might propose. Mr. Gorham is a strong nationalist. He speaks to the internal checks on this power, and Mr. Gorham deems them sufficient in protecting from a potential breach of power in Congress.

Mr. Parsons

People, Union, Strong

Mr. Parsons speaks to his desire to ratify throughout the entire convention. He does not stray from his understanding that this Constitution should be adopted as it is good for the people. Mr. Parsons has an understanding of the people as principle. He says, “The legislatures of the several states are the constituents of the Senate, and the people are the constituents of the Representatives. These two branches, therefore, have different constituents, and as they are designed as mutual checks upon each other, and to balance the legislative powers, there will be frequent struggles and contentions between them” (1217). Here, Parsons explicitly states his understanding that the people are represented in the House and the state governments are represented in the Senate. In the convention, this was the initial understanding of popular sovereignty of government. The people were supposed to choose their representatives in election while the state governments were supposed to elect the Senators. Since the people also elected the state governments, this was meant to be an extension of the people as principle with a middle-man. Mr. Parsons understands this divide of sovereignty and therefore views the people as principle.

Mr. Parsons has a robust understanding of checks and balances, which still shows the people as principle but changes his understanding of sovereignty slightly because he does not believe necessarily in the power of recall or the addition of the bill of rights as further protection for the people (1327-1328). So, while he believes that the people have the right to elect their officials and those officials should work for the will of the people, he does not think that the proposed Constitution needs any further securities for the people. This arguably goes against the understanding that people are principle, as it is denying them potential liberties that could protect them should government become aristocratic. However, Mr. Parsons simply believes that these things are already accounted for in the new Constitution, and therefore they do not need to be reiterated. He says, “Sir, gentlemen do not distinguish between the government of an hereditary aristocracy, where the interest of the governors is very different from that of the subjects, and a government to be administered for the common good by the servants of the people, vested with delegated powers by popular elections at stated periods” (1324). This shows Mr. Parson’s commitment to the principle as people. Although he does not believe there is a need for such other securities to the Constitution as a bill of rights or recall, he still understands that the government is working for the people, which maintains his views of the people as principle sovereign.

Mr. King

People, Union, Strong

Mr. King spoke quite frequently starting the election, but slowly stopped speaking. He was, however, the only delegate to openly oppose slavery. Mr. King also believes that the people should have the power to remove their representatives should they no longer be working for the will of the people, showing his commitment to the people as principle sovereign. He says, "...but that the time should not be so long as to remove from his mind the powerful check upon his conduct, that arises from the frequency of elections, whereby the people are enabled to remove an unfaithful representative, or to continue a faithful one" (1203). Mr. King was concerned with the question of possible aristocracy in government. He believes that the government should work for the people who elected them, and should they abuse that power, then they will be removed from office. Mr. King also has an understanding that the internal checks and balances of government is strong and enough to prevent aristocracy.

Mr. King is also the first and only delegate to question the language of the Constitution compared to those of the Articles of Confederation. When discussing the powers of Congress, he says,

The introduction to this Constitution is in these words: "*We, the people*," &c. The language of the Confederation is, "*We, the states*," &c. The latter is a mere federal government of states. Those, therefore, that assemble under it, have no power to make laws to apply to the individuals of the states confederated; and the attempts to make laws for collective societies necessarily leave a discretion to comply with them or not (1285).

He understands that *We the States* represents the ideals of a confederacy whereas *We the People* represents a union structure. His understanding of a "federal government of the states" means that the state governments chose the federal representatives, not the people. And since that clearly did not work and there was too little power federally, this new route is to be adopted with the new understanding of the people as principle sovereign rather than the state governments. He also believes that a bigger grant of derived power to the federal government is necessary. He says, "Sir, it has been objected to the proposed Constitution, that the power is too great, and by this Constitution is to be sacred. But if the want of power is the *defect in the old Confederation*, there is a fitness and propriety in adopting what is here proposed, which gives the necessary power wanted" (1287). The initial power that he is referring to is direct taxation in Congress. Mr. King believes that the people are principle, but that more derived sovereignty needs to be placed in the hands of Congress in order to protect the people. As he notes, the Articles did not provide enough federal power, which caused the downfall of that government. In learning from previous mistakes, Mr. King speaks to give more derived power to the Congress in order to (hopefully) prevent another fall in government.

Mr. T. Dawes

People, Union, Strong

Mr. Dawes was one of the very few at the convention to address the conflict of slavery in relation to the proposed Constitution and representation. Though he did not really give an official count of his feelings towards the representation of slaves in government, he did stand up for their rights to be viewed as people rather than property (1244). Mr. Dawes was also one of the strongest proponents for Congress having the derived power of taxation. He says, “That Congress, however, will not apply to the power of *direct taxation*, unless in cases of emergency...as thirty thousand inhabitants will elect a representative, eight tenths of which electors perhaps are yeomen, and holders of farms, it will be their own faults if they are not represented by such men as will never permit the land to be injured by unnecessary taxes” (1289). From his understanding, Congress vesting this power will have no effect on the people unless there is a national emergency where the rapid funds are necessary. In which case, Congress would need this power in order to protect the people. This exhibits Mr. Dawes’ understanding of both principle and derived sovereignty. He states that the inhabitants will elect their representative, showing that the people are principle sovereign because he does not mention anything about state governments. He is also shown to be willing to award the necessary powers to the general government for the protection of the people, showing his robust understanding of derived sovereignty and the principle sovereignty of the people keeping these derived powers in check.

Mr. Dawes blames fear for the unwillingness of other delegates to award Congress the derived power of taxation. He is a member of the derived sovereignty camp which understands that a strong general government is necessary for the protection of the people. Under the Articles of Confederation, there was a very weak national government and it collapsed, triggering the creation of this newly proposed Constitution. Mr. Dawes recognizes this shift in necessary powers and is willing to award Congress the derived powers which it needs to protect the people while also maintaining checks and balances so that the government won’t turn aristocratic. He says, “Those who never objected to such an authority in Congress, as vested by the old Confederation, surely ought not to object to such a power in Congress, where there is to be a new branch of representation, arising immediately from the people...” (1337). He says that this derived power should not be feared because it is now coming from the authority of the people directly. Since representatives will now have to answer to the people as principle sovereign, they will not be able to abuse such a power because the people will not allow it, and that representative will not be reelected. He continues, “...he thought the powers in the paragraph under debate should be fully vested in Congress. We have suffered, said he, for want of such authority in the federal head” (1287). He recognizes the necessity of this derived power, but only when authorized by the principle sovereign, the people. **Strong national**

Mr. Randall

People of the States, Hybrid, Weak

Mr. Randall is rather quiet during the convention and only speaks up a handful of times. However, when he does speak, he exhibits his robust understanding of the people as principle sovereign. He says, “Let us consider, sir, we are acting for the people, and for ages unborn; let us deal fairly and above board. Every one comes here to discharge his duty to his constituents, and I hope none will be biased by the best orators; because we are not acting for ourselves. I think Congress ought to have power, such as is for the good of the nation...” (1244). Here, Mr. Randall shows his commitment to the people as principle sovereign while also briefly touching on his understanding of derived sovereignty. He urges the convention to take this debate seriously and to discuss openly and honestly, as this is for the good of the people. Randall understands that the delegates to the convention were simply the constituents of the people and worked for the good will thereof. This shows his understanding of the people as principle sovereign. As for his understanding of derived sovereignty, he does not specify the powers which he thinks should be vested in Congress, but he does say that he understands that derived powers are necessary so long as they do not create tension with the people being principle.

Mr. Randall may have this understanding of the people as principle, but he does not agree that this government should create a union. He says, “Our manners, he said, were widely different from the Southern States; their elections were not so *free and unbiased*; therefore, if the states were consolidated, he thought it would introduce manners among us which would set us at continual variance” (1303). He is concerned with the difference of opinion between the Northern and Southern states under this newly proposed union structure. This creates tension with which entity he believes to be principle sovereign. His opposition to a union suggests that the state governments should be principle, but his previous statements suggest that the people are principle. It is not clear, but it could be possible that in the first quote, Mr. Randall only understood the people as principle in terms of this convention. He may believe that outside of this that the state governments should be principle sovereign to the general government’s status as derived sovereign. It seems as though Mr. Randall’s idea of the structure of government should marry the ideas of a union and confederacy. In his understanding, the people elect the state governments, and the states elect the state’s federal representatives.

Hon. Mr. Bowdoin

People, Union, Strong

Mr. Bowdoin's participation in the convention is extensive. He spoke greatly on the topic of powers of Congress as well as representation in government. He is one of the few at the convention who has a clear understanding of the difference between a confederacy and a union, but he does not really say which he agrees with more, he rather lays out the facts of understanding on the two different structures. He says, "...if the foregoing principles are true, that we ought to adopt a confederation, presuming the different states well calculated for republican governmental; for, if they are not, their corruption will work their destruction separately" (1393). This shows his understanding that a confederacy has the state governments as principle. He continues, "But the advantages of a union of the states are not confined to mere safety from within or without. They extend not only to the welfare of each state, but even to the interest of each individual of the states" (1393). Here he shows his understanding of the people as principle in a union structure of government. This is the extent to his discussion of the union/confederacy question, so we don't know his personal views on the topic.

Mr. Bowdoin extensively speaks to his understanding of derived sovereignty. On the topic of the direct taxation power of Congress, he says, "If they were to be a distinct body, then the doctrine of precaution, which gentlemen use, would be necessary; but, sir, they can make no laws, nor levy any taxes, but those to which they themselves must be subservient; they themselves must bear a part; therefore our security is guarantied by their being thus subject to the laws, if by nothing else" (1193-1194). Mr. Bowdoin is willing to give Congress more derived sovereignty. He understands them to be one with the people in the sense that they will also suffer the consequences of high taxes as they will not be excluded from taxes as citizens. This, he believes, is a sufficient enough check on the power of Congress to award them such derived sovereignty. He continues, "...that the investiture of such power, so far from being an objection, is a most cogent reason for accepting the Constitution. The power of Congress, both in the legislative and executive line, is the power of the people" (1319). This hints at his understanding of the people as principle. However, we cannot readily say that this is a fact because of his tension between union and confederacy. His inability to express which he believes in leaves questions about his commitment to the principle sovereign, as we cannot predict which structure of government which he understood the Constitution to create. He does, however, exemplify an understanding that the people have principle sovereignty in some capacity. It is unknown whether the people and state governments are both principle sovereign or if it's just the people. He says, "All power is derived, mediately or immediately, from the people, in all the constitutions. This is the case with the federal Constitution. The electors of representatives to the state governments are electors of representatives to the federal government" (1391). His use of 'mediately or immediately' shows the tension in his understanding of who are principle sovereign. If this power was derived immediately from the people, then the people would be principle, but if it was derived immediately from the people, then the state governments share some capacity of principle sovereignty with them. He speaks to this about the role of Senate and the state legislatures. Rather than the state governments being principle for the Senate, they are simply a middle man for the people, showing his support for the people as principle. However,

we cannot be sure either way because Mr. Bowdoin does not fully express his personal understanding of principle sovereignty on the convention floor.

Hon. Mr. Phillips

Strong

Mr. Phillips is not very involved in the debate of the Constitution. He only provides one speech which contained any understanding that I could classify. Every other time he is mentioned there is nothing that can be learned from his speech. Mr. Phillips speaks to the power of Congress to be able to tax (1301). Though he speaks adamantly in favor of this, he does not provide any understanding of sovereignty to back it up, but rather uses means of comparison with other arguments proposed at the convention as well as the tactic of fear of living without this derived power in Congress. He says, “There seems to be a suspicion that this power will be abused; but is not all delegation of power equally dangerous” (1301)? He brings up the point that power of any kind is subject to abuse. However, this derived power to Congress is necessary to the well-being of the country. Without this, we could end up in even more dangerous situations such as an unfunded war or national crisis.

The only understanding of sovereignty which Mr. Phillips provides is his support for Congress having the derived power of taxation. He does not mention anything regarding a union or confederacy, nor does he give any suggestion to who might be principle sovereign.

Mr. Davis – Boston

Non-Classifiable

Mr. Davis speaks only once at the convention on the topic of a federal town. In his short addition to the debate, he seems to misunderstand the difference between a confederation and a union, but he provides no other understanding of principle or derived sovereignty. He says, "...that it was the intention of Congress, under the Confederation, to erect a federal town. He asked, Would Massachusetts, or any other state, wish to give to New York, or the state in which Congress shall sit, the power to influence the proceedings of that body, which was to act for the benefit of the whole, by leaving them liable to the outrage of the citizens of such states" (1339)? He first says that, "it was the intention of Congress under the *Confederation*" to construct a federal town, then as he continues, he outlines the understanding that the Congress is to act for the *whole*, which would provide an understanding of the people as principle for the general government. However, this understanding of principle sovereignty is inconsistent with his previous identification of a Confederation. Because of this tension on the structure of government which the Constitution creates, it is unclear what Mr. Davis' true understanding of principle and derived sovereignty are.

His Ex. John Hancock

People, Union, Middle

John Hancock was the President of this convention. He speaks only at the end of the debate, and he states his personal feelings towards the new Constitution and presents the final Constitution proposed with amendments by the convention. As for his views on principle and derived sovereignty, he shows an understanding of the people as principle sovereign but does not really provide any understanding of derived sovereignty, except for his agreeance with the proposed amendments and his understanding that the people have the right to delegate authority, but only because of the check that the people will not allow representatives to abuse such a power as they will not get reelected. He says, "...if amended (as I feel assured it will be) according to your proposals, cannot fail to give the people of the United States a greater degree of political freedom, and eventually as much national dignity, as falls to the lot of any nation on earth" (1475). His only understanding of derived sovereignty as mentioned is giving Congress the derived power to protect the inalienable rights of the people.

He also discusses the delegation of powers and authority to the general government. He says, "Were the people of the United States to delegate the powers proposed to be given, to men who were not dependent on them frequently for elections...the task of delegating authority would be vastly more difficult; but...the powers reserved by the people render them secure, and, until they themselves become corrupt, they will always have upright and able rulers." (1476). Hancock understands that the ability to be reelected is the main way by which representatives will not abuse their power, which relates to the amount of derived sovereignty which he thinks is reasonable to hold in Congress. Since the people are principle sovereign in his understanding, Congress needs to have the proper ability to protect the people, and Hancock believes that these powers should be checked by the American people in terms of reelection. This also exhibits his understanding of the people as principle sovereign because he identifies the people of the United States as those which should delegate power. This shows his understanding of a union, also, as he mentions the people of the United States rather than the states themselves or the people of the states. He has a robust understanding that the people need to be united into one country rather than thirteen states.

Hon. Mr. Adams – Boston

People, Union, Strong

Mr. Adams does not address the convention until the near end of the debate. When he does, he discusses the nature of what might happen if Congress does not have the derived power it needs to protect the people, as well as providing further arguments on the topics of the quick passage of the Constitution and the passage of the Constitution with amendments. In his speeches, Mr. Adams provides a general understanding of his views on principle and derived sovereignty. He says, “It is essential that the people should be united in the federal government, to withstand the common enemy, and to preserve their valuable rights and liberties” (1384). This points to his understanding of the people as principle sovereign awarding the necessary derived powers to Congress. His use of the word ‘united’ reinforces his understanding of the country being one people. Mr. Adams highlights that, though many delegates struggled with the question of derived sovereignty and how much power is too much power, it is necessary to award Congress the powers by which they can protect the whole country. “...I esteem as highly valuable, particularly the article which empowers Congress to regulate commerce, to form treaties, &c” (1384-1385). He agrees that Congress needs to be vested with the power of taxation because it is for the good of the people as a whole should we fall into a national crisis. He believes in the derived sovereignty of the general government and wishes to give them the derived power they need to protect the people from harm. However, he is only willing to provide derived sovereignty to the degree that the people are still principle and still have the ability to remove someone from office at a new election should they be failing the people. He continues, “I have long considered the watchfulness of the people over the conduct of their rulers the strongest guard against the encroachments of power; and I hope the people of this country will always be thus watchful” (1395). He applauds the people for their ability to maintain their status as principle sovereign and remain in control of the representatives which are elected to office by the people. This shows his commitment to the people as principle sovereign.

Mr. Jones

People, Union, Strong

Mr. Jones has a distinct understanding of derived sovereignty, but he shows tension in his understanding of principle sovereignty. He believes in the necessity of derived power to the general government for the protection of the people, he says on the power of election, “The power granted to Congress by the 4th section, says he, is a *necessary* power...” (1219). He understands the importance of derived sovereignty and is willing to give Congress what he feels they need in terms of power to protect the people.

However, his discussion of principle sovereignty is not as clear. He says, “The senators and representatives of this state, Mr. President, are now chosen by a small number of electors; and it is likely we shall grow equally negligent of our federal elections; or, sir, a state may *refuse* to send to Congress its representatives...” (1219). Here he shows an understanding of a confederacy, where the state governments are sovereign. However, it is still unclear in some respect because he speaks of “a small number of electors”, without saying who those electors are, elect the state representatives. The only understanding of explicit principle sovereignty here is his saying that “a state may refuse to send to Congress its representatives”. He says that it is the responsibility of the state to send representatives to Congress, not a responsibility of the people. However, the tension of this understanding arises when he says, “The federal representatives will represent *the people*; they will be *the people*; and it is not *probable* they will abuse themselves” (1219). This shows his understanding of the people as principle. It is unclear what Mr. Jones’ true position on principle sovereignty is, but he can be classified by his commitment to derived sovereignty, and it can be assumed that he ultimately vested the people with the power of principle sovereign as this is the only clear account of his understanding.

Rev. Stillman

People, Union, Strong

Rev. Stillman has a much more robust understanding of derived sovereignty opposed to principle sovereignty. He believes that it is necessary for Congress to have derived power as this is what will protect us should there be a national crisis. Also, he highlights that, awarding Congress more derived power simply puts into place the role of the people as principle. This is because the people can only give Congress the derived power which they see fit for that body of government, but also, they are the primary check on the abuse of those powers. If the people have a problem with a representative, they can take him out of office at the next election. However, Congress needs to be granted some power so that they can do their job of protecting the people. He says, "...in order to guard as much as possible against the abuse of those powers we delegate to government, there ought to be sufficient checks on them; every precaution should be used to secure the liberties of the people on the one hand, and not render government inefficient on the other" (1457). He shows the importance of Congress having the power they need to function properly according to the needs of the people. This is Rev. Stillman's understanding of derived sovereignty. So long as powers of Congress can be checked, he understands them as necessary to the functionality of the general government. He continues, "The powers that are granted to Congress by this instrument are great and extensive; but, sir, they are defined and limited, and, in my judgment, sufficiently checked..." (1457). He thinks that the powers awarded to Congress are distinct and necessary, and it becomes the job of the people, as principle to check the derived sovereignty of Congress.

Rev. Stillman continues to outline the protected liberties of the people under the Constitution without the proposed amendments, which would further achieve this goal (1458-1459). He says regarding frequent elections, "...that power thus frequently reverting to the people will prove a security to their liberties, and a most important check to the power of the general government" (1458). His understanding here is that, should the general government as derived sovereign be abusing their power, the people as principle sovereign can use their power of election to remove any representative and replace them with someone better suited for the position. The ultimate and direct power of representation lies in the hands of the people. He continues, "...that the Constitution provides for the impeachment, trial, and punishment of every officer in Congress, who shall be guilty of misconduct. With such a prospect, who will dare to abuse the powers vested in him by the people" (1459)? The people provide the ultimate check on government because they are principle sovereign. They have the ability to control the nature of Congress as well as the representatives thereof, as Stillman understands it, so there is almost no chance of abuse in the derived sovereign.

Mr. Gore

People, Union, Strong

Mr. Gore is a proponent of the delegation of derived powers to the general government. He says, "...in the proposed Constitution, the powers of the whole government are limited to certain national objects, and are accurately defined" (1200). He supports the idea of the general government having the proper derived powers by which to protect the people. However, he says that these powers are limited and accurately defined, which speaks to the clarity of the Constitution. He is okay with this Constitution without the proposed amendments. Mr. Gore can be categorized here as a strong nationalist based upon his views of derived sovereignty. He continues on Congress's proposed derived power of taxation, "Some gentlemen suppose it is unsafe and unnecessary to vest the proposed government with authority to "lay and collect taxes, duties, imposts, and excises. Let us strip the subject of every thing that is foreign, and refrain from likening it with governments, which, in their nature and administration, have no affinity; and we shall soon see that it is not only safe, but indispensably necessary to our peace and dignity, to vest the Congress with the powers described in this section" (1300). Gore understands the necessity of derived powers, but only is willing to award them to Congress if they are working for the good of the people and protection thereof. If Congress does not have all of the derived sovereignty necessary to protect the people, then the government might ultimately fail in the same way that the Articles did. A lack of strong central power creates vulnerability in the people, Mr. Gore is looking to prevent this through his understanding of derived sovereignty.

Mr. Gore also believes the people are principle sovereign. He says, "The Senate represents the sovereignty of the states; the House of Representatives the people of the United States. The former have a longer term in their office; it is then necessary that that body which represents the people should have a permanence in their office, to resist any operations of the Senate, which might be injurious to the people" (1202). This represents his understanding of the Senate representing the sovereignty of the states. This was the understanding of principle sovereignty as explained by the Constitution. Mr. Gore is shown here to be in favor of the people as principle as well as proper term lengths for Congress to ensure that the checks and balances outlined in the Constitution are executed properly.

Hon. Mr. Heath

People, Union, Strong

Mr. Heath spoke mainly to his understanding of a union. He does not say much about derived sovereignty or his beliefs thereof. He is one of the very few to identify himself as a citizen of the United States rather than of Massachusetts. He says, “I consider myself not as an inhabitant of Massachusetts, but as a citizen of the United States” (1194). This shows his commitment to the proposed Constitution as it starts with “We the People”, rather than “We the States”. This shows his commitment to a union rather than a confederacy as well. He continues, “Every thing depends on our union. I know that some have supposed, that, although the union should be broken, particular states may retain their importance; but this cannot be. The strongest-nerved state, even the right arm, if separated from the body, must wither. If the great union be broken, our country, as a nation, perishes...” (1378). Mr. Heath believes in a union. Since a union is understood to reflect the people as principle sovereign, it is reasonable to conclude that Mr. Heath also agrees that the people are principle.

Though he does not explicitly speak to who may be principle sovereign, he says, “The representative is one who appears in behalf of, and acts for, others; he ought, therefore, to be fully acquainted with the feelings, circumstances, and interests of the persons whom he represents; and this is learnt among them, not at a distant court” (1194). This shows his understanding of the proposed Constitution, and though he does not identify who the representative works on behalf of, he does show his commitment to the Constitution as it is stated. Since the Constitution describes the people as principle sovereign, it is reasonable to assume that Mr. Heath agrees with this formulation of principle sovereign. We can use this understanding of union as supported by this statement to classify Mr. Heath as a proponent for principle sovereignty.

The only testament to derived sovereignty which Mr. Heath gives is on his account of slavery. He is one of the very few delegates to discuss this, and it was mainly skipped over. He writes, “We are not, in this case, partakers of other men's sins; for in nothing do we voluntarily encourage the slavery of our fellow-men. A restriction is laid on the federal government, which could not be avoided, and a union take place. The federal Convention went as far as they could. The migration or importation, &c., is confined to the states now *existing only*; new states cannot claim it” (1371). He agrees with the extent of derived sovereignty allotted to the general government in this question, showing his support for strong derived sovereignty. He thinks that the general government actually uses its powers perfectly here, as he also reports that he doesn't think that the general government should have the power to abolish slavery altogether (1371).

Judge Sumner

People, Union, Strong

Judge Sumner is a strong proponent for the Constitution, but he does not explicitly speak to his understanding of principle sovereignty. He thinks that Congress should be awarded the derived powers which are necessary for the protection of the people, and should those powers be discouraged from the derived, then Sumner sees no reason to change from the Articles. He says, “Much better, it appears to me, would it be for the states not to unite under one government, which will be attended with some expense, than to unite, and at the same time withhold the powers necessary to accomplish the design of the union” (1298). Judge Sumner can be described as a strong nationalist in terms of his understanding of derived sovereignty, as well as a supporter of the union. He continues, “Gentlemen say, *the power to raise money* may be abused. I grant it; and the same may be said of any other delegated power” (1298). He understands that abuse is always a possibility, but the checks of government should deter people from being so deeply concerned with this, showing his support for strong derived sovereignty. Additionally, the derived powers vested in Congress through the Constitution are for the protection of the people, as understood by Judge Sumner, so they are necessary in order to have an effective system of government for the good of the people.

Through Sumner’s understanding of derived sovereignty and that of a union, it is reasonable to assume that he believes that the principle are the people. However, since he does not explain this explicitly, this analysis cannot be confirmed.

Rev. Thacher

People, Union, Strong

Rev. Thacher speaks to the importance of derived sovereignty and identifies the people as principle sovereign. He says, "...the situation of the continent when a Constitution was formed, and the impossibility of preserving a perfect sovereignty in the states, after necessary powers were ceded to a supreme council of the whole" (1417). This speaks to derived sovereignty, as he describes that if the necessary derived powers are not vested in Congress, then the whole system could fail. Thacher agrees that derived powers are necessary, and he speaks to this in terms of maintaining the good will of the people. He continues, "...there is no man but what would conceive that a coercive power over the whole, searching through all parts of the system, is necessary to the preservation and happiness of the whole people" (1418). The derived powers which Congress holds is for the happiness of the people, as Thacher describes. Since this is the case, we can classify Thacher as a strong nationalist in terms of his understanding of derived sovereignty.

Thacher also understands the people as being principle sovereign. He says, "In this proposed form, each branch of power is derived, either mediately or directly, from the people" (1418). This shows the people as principle because he understands the Constitution to award the people the right to elect their representatives as well as state officials, who then elect the Senators. He continues, "The lower house are elected directly by those persons who are qualified to vote for the representatives of the state; and, at the expiration of two years, become private men, unless their past conduct entitles them to a future election. The Senate are elected by the legislatures of the different states, and represent their sovereignty" (1418-1419). This shows his commitment to the people as principle because he exhibits an understanding of the people electing their officials on both the state and national level.

Mr. Ames

People, Union, Strong

Mr. Ames understands that the people are principle to the derived powers of the general government. He says, "Much has been said about the people divesting themselves of power, when they delegate it to representatives; and that all representation is to their disadvantage, because it is but an image, a copy, fainter and more imperfect than the original, the people, in whom the light of power is primary and unborrowed, which is only reflected by their delegates. I cannot agree to either of these opinions" (1190). This shows his commitment to the people as principle because he shows that delegating powers to the general government for the use of protection and defense does not change the fact that the people still have ultimate control over their representatives. He understands the necessity of derived powers for the general government, and he is okay with delegating these powers to Congress so long as the people remain principle. He continues, "Faction and enthusiasm are the instruments by which popular governments are destroyed. We need not talk of the power of an aristocracy. The people, when they lose their liberties, are cheated out of them" (1192). This further shows his commitment to the people as principle because he says that rather than aristocracy, a divide in the principle will result in the people losing their liberties. This is different from what most other delegates who have said who were worried that Congress would abuse their power. Mr. Ames does not blame Congress for the potential breach of power, but rather the principle sovereign turning against itself. So long as the majority is strong, they can discourage any abuse in the derived. However, if they are unstable, this becomes much more difficult.

This also shows his commitment to derived sovereign where he can be classified as strong national. He believes that Congress needs derived powers in order to protect the people. He says, "If gentlemen are willing to confederate, why, he asked, ought not Congress to have the powers granted by this section? In the Confederation, said Mr. A., the checks are wanting which are to be found in this Constitution. And the fears of gentlemen that this Constitution will provide for a permanent aristocracy are therefore ill-founded; for the rulers will always be dependent on the people, like the insects of a sunshiny day, and may, by the breath of their displeasure, be annihilated" (1352). This shows his belief in derived sovereignty and awarding the general government the necessary powers to protect the people. Without these powers, they cannot protect the people. But, furthermore, this also exhibits his understanding of a union structure of government.

Mr. Cabot

People, Union, Middle

Mr. Cabot has a robust understanding of the people as principle, but he does not really identify his feelings on derived sovereignty except in terms of election rates. He says,

...if the state legislatures are suffered to regulate conclusively the elections of the democratic branch, they may, by such an interference, first weaken, and at last destroy, that check, they may at first diminish, and finally annihilate, that control of the general government, which the people ought always to have through their immediate representatives. As one of the *people*... in my mind, the 4th section is to be as highly prized as any in the Constitution. (1217).

Mr. Cabot does not like the idea of the government controlling elections. He fears that this will jeopardize the principle sovereignty of the people because the state governments would have too much derived power. Here, Mr. Cabot seems to be explaining a system of derived government where the people are principle, and both the state and national governments are derived, but the national government also derives powers from the state. Mr. Cabot is worried about there being insufficient checks on government, but he agrees with the notion of delegating necessary powers to Congress for the protection of the people as principle. He identifies the people as principle in the above statement as well, and he identifies himself as one of the people, showing his commitment to popular sovereignty.

Mr. Cabot further develops his understanding of principle sovereignty residing with the people through his understanding of representation. He shows his commitment to equal representation and the importance of laying out a well-organized and people-oriented government. He says, “...*that a free and equal representation is the best, if not the only foundation upon which a free government can be built*; and, consequently, that the greatest care should be taken in laying it” (1216). This shows his understanding of a union, which further solidifies his belief in the people as principle.

Mr. Choate

People, Union, Strong

Mr. Choate speaks to his understanding of derived sovereignty, but he does not explicitly state his understanding of principle sovereignty. On Article 1 Section 8, he says, “And this can be no other than an unlimited power of taxation, if that defence requires it. Mr. C. contended that it was the power of the people concentrated to a point; that, as all power is lodged in them, this power ought to be supreme” (1316). Mr. Choate is in favor of vesting the complete power of taxation in the hands of the general government. When he speaks to the power supreme, he is referring to the power of taxation. He agrees with derived sovereignty, and he is arguably one of the strongest advocates for this sovereignty. He says that this power of direct taxation in Congress is necessary for them to be the supreme power of the country. However, it is possible that he does not mean that Congress should be the supreme power, but rather the supreme derived sovereign who still have to answer to the people as principle. Mr. Choate does not explicitly state his understanding here, but this is a reasonable consideration to draw given his commitment to derived sovereignty as it lines up with other delegates who have similar views on the principle-agent relationship.

Mr. Choate also has an understanding of a union. He says, “After adverting to the idea of some, of its being a consolidation of the Union, Mr. Choate concluded by a brief display of the several checks contained, and securities for the people to be found, in this system” (1316). Mr. Choate understands that this union is created through the new Constitution, and the people should be in support of it because it provides securities and checks for the people. This does not explicitly speak to his understanding of principle sovereignty, but rather the security of the people as this was a major concern during the Convention. However, it is reasonable to assume that this does show his understanding of the people as principle given the understanding of a union as recorded in the debate and among other delegates.

Mr. Symmes

Peoplen Union, Strong

Mr. Symmes was mainly concerned with the question of derived sovereignty to the general government. However, he does talk about principle sovereignty briefly, saying, "...I could have wished for a more effectual, and, if I may term it so, a more *feeling* representation in the Lower House, and for a representation of the *people* in the Senate. I have been, and still am, desirous of a rotation in office, to prevent the final perpetuation of power in the same men..." (1307). This shows his commitment to the people as principle because he already contends to the people electing their representatives, and he says he would like to see the same thing in the Senate. He is the first of the delegates to question the state legislature election of Senators, showing his understanding of the people as principle. He also discusses the role of the majority and how the people are in control of the government, so if power is abused, the responsibility thereof ultimately falls to the people. He says, "From this it would follow that no public measure was ever wrong, because it must have been passed by the majority; and so, I grant, no power ever was, or ever will be, abused" (1309). As he sees it, if the majority is in control (principle), then the government cannot abuse their power because the majority has the internal check of reelection.

Mr. Symmes played devil's advocate to create a robust argument in favor of Article 1 Section 8. He says, "No, sir; my constituents wish for a firm, efficient Continental government, but fear the operation of this which is now proposed. Let them be convinced that their fears are groundless, and I venture to declare in their name, that no town in the commonwealth will sooner approve the form, or be better subjects under it" (1311). He identifies the arguments against the proposed section and rejects them all in order to establish the necessity for this. Along with his argument that the majority will maintain the morality of government, he also shows here the necessity of derived sovereignty in Congress for the good of the people. Mr. Symmes is a strong nationalist in terms of derived sovereignty.

Mr. Symmes also speaks to amendments. He does not believe that they are necessary, but is in favor of passing the Constitution with them in order to appease the minds of other delegates. He says, "Shall we, then, totally reject the Constitution, because we are only morally certain that they will be adopted? Shall we choose certain misery in one way, when we have the best human prospect of enjoying our most sanguine wishes in another? God forbid" (1474)! He understands that the Constitution works for the good of the people, and, though it may have some faults, it is the best form of government for the country because of its basis in popular sovereignty.

Gen. Brooks – Medford

People, Union, Strong

Gen. Brooks speaks only to principle sovereignty in terms of derived sovereignty. He says, "...when that power is given, with proper checks, the danger is at an end. When men are answerable, and within the reach of responsibility, they cannot forget that their political existence depends upon their good behavior" (1255). He does not say whether he agrees with the notion of these derived powers, but we can infer that he is in favor given his understanding that checks and balances are enough to regulate a potential abuse of power. This also shows his commitment to the people as principle because they have the ability to hold representatives accountable, and they have the power to remove them from office should they not be working for the will of the people. He continues, "If that conduct excites suspicion, they are to be impeached, punished, (or prevented from holding any office, which is great punishment.) If these checks are not sufficient, it is impossible to devise such as will be so" (1255). This shows the powers of the principle (the people) to control their representatives. This also shows his commitment to derived sovereignty because, though he does not explicitly express his feelings towards the concept, his understanding that the people will always remain in control to reject tyrannical government is enough to grant such powers to Congress.

Mr. Bodman

Weak

Mr. Bodman spoke exclusively to derived sovereignty. Bodman voted against the Constitution, and he did not believe in the necessity of Congress to be vested with the powers provided in Article 1 Section 8. He says, "...the power given to Congress, to lay and collect duties, taxes, &c., as contained in the section under consideration, was certainly unlimited, and therefore dangerous; and wished to know whether it was necessary to give Congress power to do harm, in order to enable them to do good" (1290). He did not have an understanding that the checks of the principle (the people) would be sufficient in preventing an aristocracy in government. He continues, "...but if Congress has the power to lay taxes, and, in cases of negligence or non-compliance, can send a power to collect them, he thought that the idea of sovereignty was destroyed" (1290). Bodman thought that this was too much derived sovereignty in the hands of the general government. He expected a breach of power and did not see the necessity of Congress having the direct power of taxation.

Hon. Mr. Turner

People, Union, Middle

Mr. Turner is a skeptic of derived sovereignty and having too much power vested in Congress. He says, “But I do not wish to give Congress a power which they can abuse; and I wish to know whether such a power is not contained in this section? I think it is” (1224). Turner is worried that Congress will abuse their power, and so does not want to give them too much derived sovereignty. He continues, “Therefore, instead of giving Congress powers they may not abuse, we ought to withhold our hands from granting such as must be abused if exercised” (1226). This shows his skepticism for a breach of power, and his refusal to vest many powers in the hands of Congress. Though he does understand the necessity of Congress having certain powers, he does not think that the power of direct taxation should be included. He states, “...for by small degrees has liberty, in all nations, been wrested from the hands of the people. I know great powers are necessary to be given to Congress, but I wish they may be well guarded” (1226). He does not think that there are sufficient checks of the derived sovereign, so he is against vesting them with this power of taxation. He can be classified as “strong states” in terms of his understanding of derived sovereignty.

When amendments are introduced to the Constitution, Mr. Turner is swayed to vote in favor. He says, “I have been averse to the reception of this Constitution, while it was considered merely in its original form; but since the honorable Convention have pleased to agree to the recommendation of certain amendments, I acknowledge my mind is reconciled” (109). He still has issues with the Constitution, but these amendments are enough for him to vote to ratify as they reconcile some of his concerns for the liberties of the people.

Mr. Turner does not really discuss his understanding principle sovereignty, but he does express his understanding that a union form of government is necessary. He says, “The minds of gentlemen, throughout the nation, must be impressed with such a sense of the necessity of all-important union, especially in our present circumstances, as must strongly operate in favor of a concurrence” (1472). This shows his understanding of the Constitution representing the American people and not the states. Based on the previously stated understanding of union, that the people are principle, it is reasonable to conclude that Mr. Turner also has this understanding.

Hon. Mr. White

Weak

Mr. White speaks solely to his understanding of derived sovereignty. In this understanding, Congress should not be vested with powers which could lead to abuse. He says, "...he was opposed to the section; he thought the security of the people lay in frequent elections; for his part, he would rather they should be for six months than for two years..." (5). White does not agree that Congress should have infrequent elections as this could jeopardize the security of the people. This speaks to his understanding of derived sovereignty, where he can be classified in the "strong states" camp. He continues, "...in giving this power, we give up every thing; and Congress, with the purse-strings in their hands, will use the sword with a witness" (1287). This is White's analysis of Congress having the power of direct taxation. He is against this idea, and thinks that this will only lead to abuse of the government.

Rev. Mr. West

People, Strong

Mr. West speaks only briefly in the Convention, but he speaks enough and on the topic of sovereignty to be classified in terms of his beliefs. He says, “Is it probable that we shall choose men to ruin us? Are we to object to all governments? and because power *may* be abused, shall we be reduced to anarchy and a state of nature? What hinders our state legislatures from abusing their powers? They may violate the Constitution; they may levy taxes oppressive and intolerable, to the amount of all our property” (1227). Mr. West believes that derived powers should be granted to the general government. He is not worried about abuse of power because, as he states, we elect the governments. While he does not state who exactly “we” are, it is reasonable to assume he is speaking of the people as his argument in favor of derived sovereignty is consistent with other delegates who also have an understanding of the people as principle sovereign.

Mr. Barrell

Middle

Mr. Barrell speaks to his concerns with the Constitution, but ultimately states that he is in favor of ratification with or without amendments. On the topic of derived sovereignty, he says, “Congress will be vested with more extensive powers than ever Great Britain exercised over us; too great, in my opinion, to intrust with any class of men...while we consider them as men of like passions, the same spontaneous, inherent thirst for power with ourselves, great and good as they may be, when they enter upon this all-important charge, what security can we have that they will continue so” (1448)? Mr. Barrell is concerned that Congress could abuse their power should they be awarded so much derived sovereignty. He can be classified in the “strong states” camp in terms of derived sovereignty. However, despite his concerns of aristocracy, Mr. Barrell is still in favor of the Constitution as it stands. He does not expressly speak to the checks and balances which would prevent this breach of power in Congress, but he does understand the role of the government to be for protection of the people. He says, “...I think it becomes us, as wise men, as the faithful guardians of the people's rights, and as we wish well to posterity, to propose such amendments as will secure to us and ours that liberty without which life is a burden” (1449). The ultimate goal is to protect the rights of the people, as Mr. Barrell understands. This shows his commitment to popular sovereignty.

Mr. Nason

State Governments. Confederacy, Weak

Mr. Nason is against awarding Congress extensive derived sovereignty. He is so focused on the liberty of the people and has an understanding that the Constitution will infringe upon this. He says, “I beg the indulgence of this honorable body to permit me to make a short apostrophe to Liberty. O Liberty! thou greatest good! thou fairest property! with thee I wish to live — with thee I wish to die! Pardon me if I drop a tear on the peril to which she is exposed; I cannot, sir, see this brightest of jewels tarnished...” (1397). Nason does not think that government will work to protect the liberties of the people, but rather that the Constitution gives them the means to undermine these liberties.

Mr. Nason also believes that the government should be a confederacy rather than a union, and he therefore identifies the principle as being the state governments. He states, “We are under oath: we have sworn that Massachusetts is a sovereign and independent state. How, then, can we vote for this Constitution, that destroys that sovereignty” (1397)? He speaks to the state as the sovereign and the delegates of the state as voting for ratification. Here, he provides a robust understanding of the state governments as principle sovereign.

Mr. Singletary

Weak

Mr. Singletary does not think that Congress should be given many derived powers. Regarding the derived powers of Congress, he says, "...does not this Constitution do the same? Does it not take away all we have — all our property? Does it not lay *all* taxes, duties, imposts, and excises? And what more have we to give" (1345)? Singletary is fearful that Congress will take the meager citizens for everything they have. He does not understand the checks and balances associated with representation, and so he thinks that Congress is going to become a power-ridden aristocracy. Singletary is trying to protect the common person, and so he does not agree with the derived power of Congress of direct taxation.

Mr. Singletary is worried that the representation of Congress will be a means of undermining people who are not as successful as the representatives are. He says, "These lawyers, and men of learning, and moneyed men, that talk so finely, and gloss over matters so smoothly, to make us poor illiterate people swallow down the pill, expect to get into Congress themselves; they expect to be the managers of this Constitution, and get all the power and all the money into their own hands, and then they will swallow up all us little folks..." (1345). This further shows Singletary's objection to derived sovereignty providing Congress the power of taxation. Singletary has a deep-set fear of tyranny. He does, however, make huge assumptions here as to what will happen in Congress, and arguably this is because he is not very well educated himself and simply cannot understand what the Constitution, or delegates to the Convention, are truly talking about. Singletary is very concerned with the status of the less-educated. This shows that he may identify with them in terms of his confusion surrounding this debate. Should this be the case, the classification of Singletary could be compromised because we cannot get an accurate understanding of his feelings based upon the barrier of language.

Capt. Snow

People, Union, Strong

Capt. Snow is in favor of Congress having the delegated power of taxation. He says, “It has been said, Mr. President, that there is too much power delegated to Congress by the section under consideration. I doubt it; I think power the hinge on which the whole Constitution turns” (14). He continues to discuss the necessity of Congress to have such power in order to protect the people.

He also understands the people as principle. He states, “...as the man is accountable for his conduct, I think there is no danger” (1228). His understanding of the man (representatives) being accountable for their actions indicates an understanding of the people as principle because they will remove a representative who is not accountable for his actions. This also presupposes his understanding of a union as it is consistent to have this align with the people as principle.

Appendix 2: Virginia Vignettes

Mr. Pendleton

Union, People, Strong

Mr. Pendleton is the first delegate to speak at the Virginia State Ratifying Convention, and he was the president of this convention. He spoke largely to his concern of the citizens. His top priority was the citizens and their protection. He says, “This Constitution was transmitted to Congress by that convention; by the Congress transmitted to our legislature; by them recommended to the people; the people have sent us hither to determine whether this government be a proper one or not” (6). Mr. Pendleton speaks to the necessity of the people to approve of this government. He speaks to the delegates solely as keepers of the public good, and he works to support that as best as possible through his record of the debate.

Mr. Pendleton largely disagrees with the ideas of Patrick Henry in terms of principle sovereignty. He says, when speaking against Mr. Henry, “We, the people, is thought improper. Permit me to ask the gentleman who made this objection, who but the people can delegate powers? Who but the people have a right to form government” (37)? This shows his support for the people as principle sovereign. The people should choose the delegation of powers, as he explains, so the people are the principle sovereign.

With regard to the Union/Confederacy distinction, Mr. Pendleton supports a union. He says, “If the objection be, that the Union ought to be not of the people, but of the state governments, then I think the choice of the former very happy and proper. What have the state governments to do with it” (37)? Mr. Pendleton supports a union, and further expresses his understanding of the people as principle.

Mr. Pendleton supports strong derived sovereignty. He says, “Government must then have its complete powers, or be ineffectual; a legislature to fix rules, impose sanctions, and point out the punishment of the transgressors of these rules; and executive to watch over officers, and bring them to punishment; a judiciary, to guard the innocent, and fix the guilty, by a fair trial” (39). Mr. Pendleton speaks up again in regard to derived sovereignty when Section 8 is introduced to the convention. He says, “This exclusive power is limited to that place solely, for their own preservation, which all gentlemen allow to be necessary” (440). Mr. Pendleton likes Section 8 and doesn’t think that it should be altered.

Mr. Pendleton falls silent for much of the debate. He is silent from page 39-292, not returning until the defense tries to commit back to a Confederation, where he speaks up in favor of the union (293). Additionally, he discusses representation and how he finds this to be representative of the people (299).

He speaks back up towards the end of the debate, speaking to his understanding of the necessity of a judiciary (517-522). He continues, “When the Constitution says that the trial shall be by jury, does it not say that every incident will go along with it? I think the honorable gentleman was mistaken yesterday in his reasoning on the propriety of a jury from the vicinage” (546). He says this when speaking to his understanding that criminal cases would be included under Art. 3. He continues, “Trial by jury is secured by this system in criminal cases, as are all the incidental circumstances relative to it. The honorable gentleman yesterday made an objection to that clause which says that the judicial power shall be vested in one Supreme Court, and such inferior courts as Congress may ordain and establish” (547). Mr. Pendleton agrees with the

Article at hand and thinks that it is sufficient in its checks and protection of the people. With regard to the principle sovereign of the judiciary, he says, “Of the two objects of judicial cognizance, one is general and national, and the other local. The former is given to the general judiciary, and the latter left for the local tribunals” (548). He understands the separation between the states and federal governments when speaking to the roles of the judiciary. He thinks that this separation is necessary, but also already properly identified in the language of the Constitution. He also disagrees with the proposed amendments of Mr. Mason.

Mr. Wilson Nicholas

Union, People, Strong

Mr. Nicholas begins his first speech of the convention with discussion of Article 1 Section 2 regarding the qualification of electors. He says, “A qualification that gives a right to elect representatives for the state legislatures, gives also, by this Constitution, a right to choose representatives for the general government” (8). This shows Mr. Nicholas’ commitment to the people as principle because he understands them to elect both their state representatives and their federal representatives, and he has no problem with this. This is further proven with his understanding of the people choosing their representatives as being consistent with the will of the people and not breaching their liberty. He says, “The possible abuse here complained of never can happen as long as the people of the United States are virtuous” (10). Since the people can control who gets put into government, they are principle.

When speaking to derived sovereignty, Mr. Nicholas says, “...they first suppose that Congress, from a love of power natural to all, will, in general, abuse that with which they are invested; and then they would make us apprehend that the House of Representatives, notwithstanding their love of power, (and it must be supposed as great in a branch of Congress as in the whole,) will give out of their hands the only check which can insure to them the continuance of the participation of the powers lodged in Congress in general” (13). He says this when speaking to the number of representatives who should be in office, but explains that this ultimately doesn’t matter, so long as the people are happy with their choices for representation, that’s the most important aspect to this government. Mr. Nicholas continues on the topic of derived sovereignty later in the convention. He gets into a bit of an argument with Mr. Henry as well as Mr. Grayson over Section 8. He says, “We must either empower them to employ, and rely altogether on, a standing army; or depend altogether on militia; or else we must enable them to use the one or the other of these two ways, as may be found most expedient” (389). Mr. Nicholas then continues to argue against the use of standing armies because they are ineffective and could jeopardize the American country (389).

Regarding Art. 2, he says, “The worthy member says the weight of power ought to be in this part of the continent, because the number of inhabitants will be greater here. If so, every freeholder having a right to vote for the President, by the interposition of electors, will attend to his interests. This is a sufficient check” (502). He has the same defense for the President as he does Representatives: since the people elect them, the elected officials have to respond to their desires or else be removed from office.

Mr. Nicholas also argues in favor of a union, saying, “The most valuable right of a part of the community has been invaded. By whom? By Congress, under the existing system, -- the worthy member’s favorite Confederation. Is this an argument to continue that Confederation? Does it not prove that that Confederation is not sufficient for the purposes for which it was instituted” (356)? Here, he is speaking against Mr. Henry with regard to his arguments in favor of a Confederation.

Mr. George Nicholas

Union, People, Strong

Mr. George Nicholas is in favor of ratification of the Constitution. He says, "...if this Constitution be adopted, the western countries will be lost. It is better that a few countries should be lost, than all America. But, sir, no such consequence can follow from its adoption. They will be much more secure than they are at present" (237). Further, he expresses his commitment to the union, "He tells us that our present government is strong. How can that government be strong which depends on humble supplications for its support? Does a government which is dependent for its existence on others, and which is unable to afford protection to the people, deserve to be continued" (237)? Here he shows the inherent flaws in the Articles and why the switch to a union is necessary.

When speaking to derived sovereignty, Mr. Nicholas says, "There are many strong reasons to expect that the adoption of this system will be beneficial to the back country, and that their interest will be much better attended to under the new than under the old government" (239). He says this when the conversation turns to exploration of the Mississippi and Sec. 8 of the Constitution regarding treaties. Mr. Nicholas thinks that the best way to address this exploration is through the union, and through the derived power of Congress. To this end, Mr. Nicholas supports strong derived sovereignty. He continues, again speaking to Sec. 8, "The first clause gives the general government power to call them out when necessary. Does this take it away from the states? No. But it gives an additional security; for, besides the power in the state governments to use their own militia, it will be the duty of the general government to aid them with the strength of the Union when called for" (427). Mr. Nicholas points out that the purpose of this clause is to force the states and the general government to work together. So, he's okay with the grant of power provided. He does, however, agree with the continuance of the slave trade, but only so that the Southern states would be willing to join the union (456). He is also okay with Sec. 10, saying, "This clause does not hinder them from doing it, because the state never could do it; the jurisdiction of such general objects being exclusively vested in Congress" (476). Here, he is speaking to ex post facto laws and the Continental debt. He thinks that this should be a general government concern rather than a state concern. With regard to Article 3, he speaks against the understanding of Mr. Henry, showing his commitment to the article at hand (580-581).

He supports the people as principle sovereign. He says, "...the people retain what is not conferred on the general government, as it is by their positive grant that it has any of its powers" (246). The government only holds powers based on what the people are willing to grant to it, proving the understanding of the people as principle sovereign. Further, he adds, "The people have depended on their representatives. They will not consent to pass an act to infringe it, because such an act would irritate the nation" (247). The people will choose proper representatives to the general government because that is their only connection to their government.

Mr. Henry

Confederacy, State Governments, Weak

Mr. Henry is very outspoken against the Constitution. He says, "That this is a consolidated government is demonstrably clear; and the danger of such a government is, to my mind, very striking" (22). Mr. Henry detests the Constitution at hand and wants to go back to the confederation. He continues, "Who authorized them to speak the language of, We, the people, instead of, We, the states? States are the characteristics and the soul of a confederation. If the states be not the agents of this compact, it must be one great, consolidated, national government, of the people of all the states" (22). He strongly disapproves of the union. He also speaks rather ill of the delegates who do support the Constitution, because he thinks that this implies that they're working against the will of the people and putting their liberties at danger.

When speaking to derived sovereignty, Mr. Henry says, "You are told there is no peace, although you fondly flatter yourselves that all is peace; no peace; a general cry and alarm in the country; commerce, riches, and wealth, vanished; citizens going to seek comforts in other parts or the world; laws insulted; many instances of tyrannical legislation. These things, sir, are new to me. He has made the discovery. As to the administration of justice, I believe that failures in commerce, &c., cannot be attributed to it" (139). Henry points out the sort of hypocrisy of the people on the other side. They seem to be arguing for peace and liberty of the people, but as he sees it, the union directly undermines this because it violates these things. He is not in favor of anything regarding the Constitution, and battles everything proposed within it. He and Mr. Madison go back and forth arguing over the language of the Constitution and what it implies. However, most of his speeches consist of him rambling about the necessity of the Confederacy and the abuse of the Constitution. He is the first delegate, however, to speak about the necessity of a Bill of Rights. The convention reports, "Mr. Henry then declared a bill of rights indispensably necessary; that a general positive provision should be inserted in the new system, securing to the states and the people every right which was not conceded to the general government..." (150). The only way that Mr. Henry thought that the Constitution would be even remotely okay, though he still wouldn't ratify, is if it included a Bill of Rights. In his understanding, this is the only way to secure the liberties of the people.

Regarding principle sovereignty, he says, "It will destroy the state governments, and swallow the liberties of the people, without giving previous notice" (156). He thinks that the only way to effectively secure the rights of the people is through a confederacy, so he views the states as principle. To this end, he also doesn't agree with the ratification of government. He continues, "Notwithstanding two of their provinces have paid nothing, yet I hope the example of Holland will tell us that we can live happily without changing our present despised government Cannot people be as happy under a mild as under an energetic government" (160-161). He thinks that the call for a new energetic government is unreasonable and uncalled for. Mr. Henry thinks that these things are already founded in the Confederacy. He would rather remain with this government.

When the debate was discussing the powers of Congress, Mr. Henry said, "I cannot understand the implication of the honorable gentleman, that, because Congress may arm the militia, the states cannot do it: nor do I understand the reverse of the proposition. The states are, by no part of the plan before you, precluded from arming and disciplining the militia, should Congress neglect it" (178). He has a lot of issues with Article 1, and he doesn't like the amount

of derived sovereignty that Congress will now hold. He falls silent for some of the debate, following his series of day-long speeches. But, every time he does speak, it is against the Constitution. He thinks that the representatives will work against the will of the people, saying, “They are bound by honor and conscience to act with integrity, but they are under no constitutional restraint” (316). According to Mr. Henry, the representatives to the general government cannot be trusted because they have no Constitutional obligation to maintain the will of the people. To him, this is the most important aspect of governance.

When the question of exploring the Mississippi River comes to discussion, Mr. Henry says, “If Congress should, for a base purpose, give away this dearest right of the people, your western brethren will be ruined. We ought to secure to them that navigation which is necessary to their very existence” (352). He thinks that the exploration of the country should be left to the states, and not the general government. He thinks that if the general government has this kind of ability, they will use it to undermine the American people to work for the national interest rather than their personal interest. He also doesn’t agree with Sec. 6, saying, “some other gentleman would have objected to this part. The pay of the members is, by the Constitution, to be fixed by themselves, without limitation or restraint. They may therefore indulge themselves in the fullest extent” (368). Mr. Henry thinks that Congress’ ability to choose their own wages is absolutely absurd. With this, they are quite literally allowed to steal from the American people through the language of the Constitution. This is completely ridiculous to Mr. Henry. Though, he finds most everything to be ridiculous which regards this Constitution. He continues, “This theoretic inconvenience of leaving to Congress the fixing their compensations is more than counterbalanced by this in the Confederation — that the state legislatures had a right to determine the pay of the members of Congress, which enabled the states to destroy the general government” (370-371). When the conversation turned to the control over the militia, he says, “If the states have the right of arming them, &c., concurrently, Congress has a concurrent power of appointing the officers, and training the militia. If Congress have that power, it is absurd” (386). He thinks that Congress holding all of these enormous powers is incredibly abusive, and he speaks against all of Art. 1.

As the debate continues, the scope moves from Article 1 to the concept of a Bill of Rights as well as the other Articles. He says, “...the necessity of a bill of rights appears to me to be greater in this government than ever it was in any government before” (445). He is in strong support of the Bill of Rights because he sees this as the only way to secure the individual liberties necessary to the American people. When speaking to the role of the Executive, he says, “...gentlemen say that the king of Great Britain has the same right of making treaties that our President has here. I will have no objection to this, if you make your president a king” (502). He argues that the role of this President is very different from the British King in terms of treaties because the President is much more powerful than the King. He continues, “When you yourselves have your necks so low that the President may dispose of your rights as he pleases, the law of nations cannot be applied to relieve you. Sure I am, if treaties are made infringing our liberties, it will be too late to say that our constitutional rights are violated” (503). The President, to him, is just as abusive as Congress is.

Speaking to Art. 3, he says, “...there is to be a trial by the jury in the state where the fact was committed; but, sir, this state, for instance, is so large that your juries may be collected five hundred miles from where the party resides — no neighbors who are acquainted with their characters, their good or bad conduct in life, to judge of the unfortunate man who may be thus exposed to the rigor of that government” (578-579). The judicial system as set up by the

Constitution does not provide enough protection to the American people. The juries provided can be from different states and cultural backgrounds, and as Mr. Henry views it, that works against the defense. This abuse should be unconstitutional, and he thinks it should be changed.

Governor Randolph

Union, People, Strong

Governor Randolph opens by expressing his desire for a union. He says, “I will assent to the lopping of this limb, (meaning his arm,) before I assent to the dissolution of the Union” (25-26). Gov. Randolph is very vocal about his dislike for the current Confederate state, working to argue against Mr. Henry in that arena.

He continues to speak to his understanding of the people as principle sovereign. He says, “The government is for the people; and the misfortune was, that the people had no agency in the government before” (28). Randolph likes the change in government with a more central focus on the will of the people. This shows his understanding of the people as principle. He continues, “If the government is to be binding on the people, are not the people the proper persons to examine its merits or defects” (29)? He strongly believes that the people are at the center of government, and he likes the Constitution because it highlights and promotes that idea much more than that of the Articles.

In terms of derived sovereignty, Randolph holds a strong understanding. He says that this convention should adopt the Constitution “...because it secures the liberty of the citizen, his person and property, and will invigorate and restore commerce and industry” (67). Since he is in favor of ratification as the Constitution currently stood, as he explains, he is, by default, a supporter of strong derived sovereignty since this is already accounted for in the Constitution. This understanding is strengthened with the introduction of Section 8. With this regard, Randolph says, “If the mere pleasure of individuals were alone to be consulted, if it were left to the choice of your people to pay it or not, your treasury would be much poorer than it is; and the advocates of this pernicious policy would perhaps be ashamed of their pertinacity” (115). Gov. Randolph supports the ratification of the Constitution, as well as the large grant of power to Congress. When speaking to Article 2, he says, “That which has produced my opinion against the limitation of his eligibility is this — that it renders him more independent in his place, and more solicitous of promoting the interest of his constituents; for, unless you put it in his power to be reelected, instead of being attentive to their interests, he will lean to the augmentation of his private emoluments” (485-486). Gov. Randolph doesn’t agree that the President should have limitations for eligibility. As he sees it, this excludes many possibly great candidates, and he thinks that that serves an injustice to the people.

Speaking to Article 3, he says, “Every government necessarily involves a judiciary as a constituent part. If, then, a federal judiciary be necessary, what are the characters of its powers? That it shall be auxiliary to the federal government, support and maintain harmony between the United States and foreign powers, and between different states, and prevent a failure of justice in cases to which particular state courts are incompetent.” (570). This is how Gov. Randolph views the role of the judiciary. He is also speaking in favor of the article at hand. He continues, “Disputes between them ought, therefore to be decided by the federal judiciary. Give me leave to state some instances which have actually happened, which prove to me the necessity of the power of deciding controversies between two or more states” (571). He then goes into his examples of states, but this shows his agreeance with Article 3.

Mr. George Mason

Union, People of the State, Weak

Mr. Mason is a very prevalent voice in these debates. He holds a different understanding of sovereignty than most of the other delegates, because he operationalizes principle sovereignty within the people of the state rather than the people of the country. However, to make matters even more unusual, he also has an understanding of a union form of government. This is established when he says, “These two concurrent powers cannot exist long together; the one will destroy the other: the general government being paramount to, and in every respect more powerful than the state governments, the latter must give way to the former” (29-30). This shows Mason’s understanding that the union, though challenging and new, is the correct form of government for America. He does have concerns regarding his commitment to the union, as it is problematic in the nature of changing governments. He says, “I solemnly declare that no man is a greater friend to a firm union of the American states than I am; but, sir, if this great end can be obtained without hazarding the rights of the people, why should we recur to such dangerous principles” (30)? He likes the idea of the union, but he’s worried about how it will stand up in practice. As the debate progresses, he starts to change his tune to be more in favor of the state governments serving as principle sovereign. He says, “To those who think that one national, consolidated government is best for America, this extensive judicial authority will be agreeable; but I hope there are many in this Convention of a different opinion, and who see their political happiness resting on their state governments. I know, from my own knowledge, many worthy gentlemen of the former opinion” (522). He thinks that the only proper form of the judiciary should be one which is controlled by the state governments and not the general government. Then, when asked by Mr. Madison to elaborate on who these people may be, he refused to explain himself (523). He did, however, give an extensive speech on the abuses of the judiciary. Continuing, “Thus, sir, said Mr. Mason, after limiting the cases in which the federal judiciary could interpose, I would confine the appellate jurisdiction to matters of law only, in common-law controversies” (525). He wants to greatly limit the role of the federal judiciary and instead make the states the primary principle for the judiciary. Though this would stray from his understanding of the people of the states as principle, it does not really affect this understanding because the judiciary does not have any jurisdiction over the people directly, they simply make decisions about the law. To this end, it does not really matter who the principle sovereign of the judiciary is, but it is much more relevant who the principle of the general government is, in his understanding. He also proposes this, “that the judicial power shall extend to no case where the cause of action shall have originated before the ratification of this Constitution, except in suits for debts due to the United States, disputes between states about their territory, and disputes between persons claiming lands under grants of different states.’ In these cases, there is an obvious necessity for giving it a retrospective power” (530). He wants the federal judiciary to be limited with the remaining powers given to the states, with the exception of the cases of the national debt.

To this end, Mr. Mason is in favor of a union which has weak derived sovereignty. He likes the idea of the states being united, but he is concerned that a general government of that magnitude will become abusive. So, he suggests that the people of the states should be principle to protect the general government from becoming too powerful. He says, “If we give the general government the power of demanding their quotas of the states, with an alternative of laying

direct taxes in case of non-compliance, then the mischief would be avoided; and the certainty of this conditional power would, in all human probability, prevent the application, and the sums necessary for the Union would be then laid by the states, by those who know how it can best be raised, by those who have a fellow-feeling for us” (31). Mr. Mason sympathizes with the position of the state, and he tries to form a hybrid principle sovereign which combines a union and confederacy. This makes him feel more secure with the grant of power to the general government, as some will be retained back to the states, and it protects the will of the people, as Mr. Mason understands it. He is, however, okay with Sec. 10. He says, “The clause which has been read, as a sufficient security, seemed to him to be satisfactory as far as it went; that is, that the Continental money ought to stand on the same ground as it did previously, or that the claim should not be impaired” (472). He is okay with Sec. 10 so long as the power remains limited to some extent.

In the continuation of the debate, Mr. Mason becomes much more vocal. He often sides with the ideas of Mr. Henry, though only to an extent. He agrees with the need for a Bill of Rights (266). Additionally, he calls for the rejection of Section 8, as this is abusive (378), and discusses the implications of slavery on the general government. He says, “As much as I value a union of all the states, I would not admit the Southern States into the Union unless they agree to the discontinuance of this disgraceful trade, because it would bring weakness, and not strength, to the Union” (452). Mr. Mason does not agree with the existence or persistence of the Southern slave trade, and he thinks they should be excluded from the Union until they resolve this tension. He does have a problem with Article 2, however, saying, “Nothing is so essential to the preservation of a republican government as a periodical rotation. Nothing so strongly impels a man to regard the interest of his constituents as the certainty of returning to the general mass of the people, from whence he was taken, where he must participate their burdens” (485). Mr. Mason insists on the President’s necessity of periodical rotation, meaning that they shouldn’t be able to serve two consecutive terms. He says this is necessary because without it, the President will be less connected to the desires of the people. He continues saying that he, “contended that this mode of election was a mere deception, — a mere ignis fatuus on the American people, — and thrown out to make them believe they were to choose him; whereas it would not be once out of fifty times that he would be chosen by them in the first instance, because a majority of the whole number of votes was required” (492). He doesn’t like the role of the electoral college because he thinks that it is deceptive to the American people. He thinks that the popular vote should be the deciding factor of the Presidential elections. He reportedly was, “animadverting on the magnitude of the powers of the President, was alarmed at the additional power of commanding the army in person. He admitted the propriety of his being commander-in-chief, so far as to give orders and have a general superintendency; but he thought it would be dangerous to let him command in person, without any restraint, as he might make a bad use of it” (496). Beyond disliking the principality of the executive, Mr. Mason also disagrees with the derived powers which the President is prescribed to hold.

Regarding Art. 3, he says, “After having read the first section, Mr. Mason asked, What is there left to the state courts? Will any gentleman be pleased, candidly, fairly, and without sophistry, to show us what remains? There is no limitation. It goes to every thing. The inferior courts are to be as numerous as Congress may think proper” (521). He is always concerned with the role of the states in the judiciary.

Regarding Art. 4, he says, “...on some former part of the investigation of this subject, gentlemen were pleased to make some observations on the security of property coming within

this section. It was then said, and I now say, that there is no security; nor have gentlemen convinced me of this” (585). He doesn’t like this article.

Mr. James Madison

Union, People, Strong

Mr. Madison's role in this convention is to answer points of confusion to the language of the Constitution, but he does also defend it quite often as well. "Comparisons have been made between the friends of this Constitution and those who oppose it: although I disapprove of such comparisons, I trust that, in point of truth, honor, candor, and rectitude of motives, the friends of this system, here and in other states, are not inferior to its opponents" (86). Mr. Madison is a clear supporter of the Constitution.

Speaking to principle sovereignty, he says, "Who are parties to it? The people — but not the people as composing one great body; but the people as composing thirteen sovereignties" (94). Mr. Madison is clearly in favor of the people as principle sovereign, and a union structure of government. He continues, "Were it, as the gentleman asserts, a consolidated government, the assent of a majority of the people would be sufficient for its establishment; and, as a majority have adopted it already, the remaining states would be bound by the act of the majority, even if they unanimously reprobated it" (94). He is in favor of this consolidated government, but he is trying to play it down a little bit to appease the opposition. He continues, "It is almost certain, therefore, that the deliberations of the members of the federal House of Representatives will be directed to the interest of the people of America" (97). This shows Mr. Madison's understanding of the people as principle as well as a union, because those two concepts go hand in hand. Further, he clarifies his understanding of a union, saying, "If we recur to history, and review the annals of mankind. I undertake to say that no instance can be produced, by the most learned man, of any confederate government that will justify a continuation of the present system, or that will not demonstrate the necessity of this change, and of substituting, for the present pernicious and fatal plan, the system now under consideration, or one equally energetic" (129). Here, he directly shows the problems with a confederacy and why a union structure makes more sense. He thinks that having a new, more energetic government is necessary to the continuance of America. Without this, the country will continue to suffer under a government which cannot help the people in terms of national security and many other protections.

Regarding Art. 1, he says, "But the honorable member sees great danger in the provision concerning the militia. This I conceive to be an additional security to our liberty, without diminishing the power of the states in any considerable degree" (89-90). Madison agrees with this provision, and since we know that he helped draft the document, it is reasonable to assume that he is aware of the grant of power present in the document, and also that he is okay with it, showing his support for strong derived sovereignty. He continues, "It can be of little advantage to those in power to raise money in a manner oppressive to the people" (95). He doesn't understand the argument of the opposition that the representatives of the people will abuse their power because it works against their whole purpose. If they disobey the will of the people, then they immediately defy the only reason they hold any power at all, and the people will vote them out of office. When speaking to Sec. 8, he says, "It would be then necessary to give this power to the government, or run the risk of national annihilation. It is my firm belief that, if a hostile attack were made this moment on the United States, it would flash conviction on the minds of the citizens of the United States of the necessity of vesting the government with this power, which alone can enable it to protect the community" (248-249). Madison thinks it indispensable to vest the power of the militia and of taxation to Congress. Without this, the people would suffer

greatly if there happened to ever be a national security threat on the country. He continues, “But it may be answered that, under the state governments, concurrent executions cannot produce the inconvenience here dreaded, because they are executed by the same officer. Is it not in the power of the general government to employ the state officers” (305-306)? He speaks to this issue when addressing the balance between the state and general government. He tries to appease the minds of the opposition by assuring them that the states and general government will both work to create and manage the militia. Mr. Henry and his cohorts were adamantly against this clause, so Mr. Madison was trying to make them more comfortable with the clause at hand so that they would hopefully vote in favor of ratification.

Regarding slavery, he says, “Is it necessary that there should be a tax on any given article throughout the United States It is represented to be oppressive, that the states which have slaves, and make tobacco, should pay taxes on these for federal wants, when other states, which have them not, would escape” (306-307). He says that slavery is included in the Constitution so that the Southern states would be okay with ratification. Additionally, he says the taxes that are charged on Southern productions of crops as well as the slaves themselves will be useful to the general government to maintain their economy. He poses slavery and its inclusion in the Constitution as being beneficial to the status of the union, but the opposition didn’t quite believe him. He also speaks to the inclusion of slavery as being a sort of representation of the state structure in America, saying, “I make one more observation on what fell from my honorable friend. He says that the true difference between the states lies in this circumstance — that some are carrying states and others productive, and that the operation of the new government will be, that there will be a plurality of the former to combine against the interest of the latter, and that consequently it will be dangerous to put it in their power to do so” (312). As he sees it, there are carrying states and production states. The Southern states are production states, and they need help from the carrying states to stay afloat. If the general government didn’t collect taxes from both of these kinds of states, the union would fall. The nature of the economy in America is a give and take between the carrying and production states. The rest of the discussion of Article 1 Mr. Madison spends defending the Constitution.

Speaking to Article 2, he says, “It was found difficult in the Convention, and will be found so by any gentleman who will take the liberty of delineating a mode of electing the President that would exclude those inconveniences which they apprehend. I would not contend against some of the principles laid down by some gentlemen, if the interests of some states only were to be consulted” (494). He is responding to the opposition’s rejection of the mode of election for the President. So, Mr. Madison is trying to explain how the state fits into the equation so that the opposers might change their mind about some of their reservations. He continues, “Difficulties would arise from the extent and population of the states. Instead of this, the people choose the electors” (494). The presidential election system is a sort of hybrid between a confederacy and a union, as Mr. Madison explains it. The people elect their state’s electors, and those electors choose the president, though they typically base their votes for the presidency on what the people want. They don’t have to do that however, they could choose to vote independent of the people, in swing states mostly, and vote based on who they think would be best for the job. Still, even with this hybrid proposal, the opposers to the Constitution weren’t in favor of Article 2.

Mr. Madison was honest when it came to Article 3, saying, “I acknowledge that this part does not stand in that form which would be freest from objection” (530). He realizes that the language on the judiciary is not exactly the most protective of the people because they have no

say in who gets selected and elected into the Supreme Court. He continues, “I believe the general government will do what is for the interest of the United States; because they have no substantial reason or inducement to violate their duty, nor are they warranted by this part of the plan to commit the oppressions he dreads” (530). Despite knowing that there are problems with the language, he still thinks that it is a good clause and it will work for the American people in the end. As he sees it, there is no point to the President choosing a weak nominee, as it will reflect poorly on their political performance and may result in the failure of them to be reelected.

Speaking to Article 4, he says, “...nothing has excited more admiration in the world than the manner in which free governments have been established in America; for it was the first instance, from the creation of the world to the American revolution, that free inhabitants have been seen deliberating on a form of government, and selecting such of their citizens as possessed their confidence, to determine upon and give effect to it” (616). He likes Art. 4 and thinks that it’s a great addition to the Constitution.

Mr. Lee (of Westmoreland)

Union, People, Strong

Mr. Lee is in favor of the Constitution. He says, “These, sir, are owing to the imbecility of the Confederation; to that defective system which never can make us happy at home nor respectable abroad” (43). This came after Mr. Henry’s dispute over the opening language of the Constitution, “We the People” vs. “We the States”. He says that Mr. Henry’s account is ridiculous, and he likes the former form. This shows his support of a union structure of government. He continues, “I cannot understand the implication of the honorable gentleman, that, because Congress may arm the militia, the states cannot do it: nor do I understand the reverse of the proposition. The states are, by no part of the plan before you, precluded from arming and disciplining the militia, should Congress neglect it” (178). This shows even further his commitment to the union. He doesn’t think that the state governments need any extensive power, and that Congress should hold most, if not all of that extensive power. This also alludes to his understanding of strong derived sovereignty.

Further, he also supports the people as principle sovereign. He says, “I say that this new system shows, in stronger terms than words could declare, that the liberties of the people are secure. It goes on the principle that all power is in the people, and that rulers have no powers but what are enumerated in that paper” (185-186). He sees this Constitution as being a mode by which to secure the liberties of the people as well as respond to their desires in government. He continues, “Candor must confess that it is infinitely more attentive to the liberties of the people than any state government” (186). Here, he shows his support both for the union and the people as principle. He speaks to the people as principle because he shows that this new government is working directly for their need, supposing that they will be in charge of what government does, and a union because he says that he prefers the mode just spoken of to a confederacy with the state governments as principle.

Speaking to derived sovereignty, he says, “If, then, the House of Commons was so powerful, no danger can be apprehended that our House of Representatives is not amply able to protect our liberties” (43). He thinks that the grant of power to Congress is necessary to protect the liberties of the people. His last speech regarding derived sovereignty was generally arguing with Mr. Mason’s understanding of Article 4 (586).

Mr. Corbin

Union, People, Strong

Mr. Corbin doesn't enter the debate until he finds something to argue with Mr. Henry about. Mr. Henry expresses his rejection of the phrase "We the People", and Mr. Corbin responds to him by saying, "I expected no such objection as this. Ought not the people, sir, to judge of that government whereby they are to be ruled" (105)? Mr. Corbin shows his understanding of the people as principle with this statement. He continues, "Liberty in such a petty state, must be on precarious footing; its existence must depend on the philanthropy and good nature of its neighbors" (107). This shows Mr. Corbin's understanding that the people control their own liberty, and this Constitution will protect it with its notion of the people as principle sovereign.

Mr. Corbin can also be described as understanding strong derived sovereignty. He says, "The powers of the general government are only of a general nature, and their object is to protect, defend, and strengthen the United States" (107). The reason for the strong derived sovereignty is to protect the will of the people, Mr. Corbin understands. He continues, "Sir, if it be not vested with the power of commanding all the resources of the state when necessary, it will be trifling. Wars are much (and more) carried on by the length of the purse, as by that of the sword. They cannot be carried on without money" (109). Mr. Corbin finds it necessary to the security of the people for the general government to hold extensive derived powers. As the debate continues, Mr. Corbin remains pretty quiet on the topic of derived sovereignty. But he does speak up again with regard to Section 10 speaking in favor of this clause as it pertains to the Mississippi River and expansion of the United States (364).

With regard to the confederation/union distinction, Mr. Corbin says, "It is denominated by some a federal, by others a consolidated government. The definition given of it by my honorable friend (Mr. Madison) is, in my opinion, accurate. Let me, however, call it by another name -- a representative federal republic, as contradistinguished from a confederacy. The former is more wisely constructed than the latter; it places the remedy in the hands which *feel* the disorder: the other places the remedy in those hands which *cause* the disorder" (107). Though Mr. Corbin calls it by a different name, this is an expression of a union form of government. The different name speaks to Mr. Corbin's attempt at recruiting the opposers to ratification.

Mr. Monroe

Confederacy, State Governments, Weak

Mr. Monroe does not join the debate until later in the convention. When he does, he speaks to his support for the confederacy, saying, "...if we consider our comparative situation, we shall find that nothing can be adduced, from any of them, to warrant a departure from a confederacy to a consolidation, on the principle of inefficacy in the former to secure our happiness" (211). He clearly supports the revival of the confederacy, and not the consolidation to a general government. Further, this also expresses his understanding of weak derived sovereignty because he thinks that the union, solely through existing, will abuse the people and not protect their liberties.

Mr. Monroe continues, "What is the form of our state governments? They are all similar in their structure -- perfectly democratic. The freedom of mankind has found an asylum here which it could find nowhere else. Freedom of conscience is enjoyed here in the fullest degree" (211). Mr. Monroe supports the state governments as principle sovereign because he likes the current confederacy and thinks that it's doing a good job. To this end, he does not want the principle sovereignty to shift to the people because that typically warrants a union. Further, this also shows his support for weak derived sovereignty because he, again, thinks that the union infringes upon the liberties of the people, and he thinks that the confederacy gives people the freedom they need/deserve. Adding to this, he says, "I am strongly impressed with the necessity of having a firm national government; but I am decidedly against giving it the power of direct taxation, because I think it endangers our liberties" (217). Mr. Monroe also doesn't like the actual grant of power given to Congress through the Constitution, showing even further his understanding of weak derived sovereignty.

When discussing Article 2, he says, "...and that our circumspection should be commensurate to the extent of the powers delegated, — proceeded as follows: The President ought to act under the strongest impulses of rewards and punishments, which are the strongest incentives to human actions" (488). He doesn't like the role of the president because he thinks that it undermines the state governments. He continues, "I believe that he will owe his election, in fact, to the state governments, and not to the people at large" (488). He thinks that the President should be selected by electors and not the people. He bases his argument against this Section on the basis that the President would be responding to the state legislatures more so than the American people.

Mr. John Marshall

Union, People, Strong

John Marshall is also a late speaker at this convention. He first speaks up about halfway through the debate, saying, “We prefer this system to any monarchy, because we are convinced that it has a greater tendency to secure our liberty and promote our happiness. We admire it, because we all think it a well-regulated democracy” (222). This shows Mr. Marshall’s understanding of a union, as it secures our liberties and promotes our happiness.

Regarding derived sovereignty, he says, “If, on mature consideration, the Constitution will be found to be perfectly right on the subject of treaties, and containing no danger of losing that navigation, will he still object? Will he object because eight states are unwilling to part with it? This is no good ground of objection” (224). He says this in response to the opposition with regard to the Mississippi River and its exploration. The delegates against ratification argued that Sec. 10 will infringe upon the state’s rights to explore the Mississippi River and make it a federal quest instead. Mr. Marshall rejects this in the stated quote, because there’s no reason to give up this navigation, in his eyes. There’s no difference between the state’s claim and the union’s claim to this land, because they are one in the same. He also agrees that Congress should hold the power of taxation (226). He continues, “The prosperity and happiness of the people depend on the performance of these great and important duties of the general government. Can these duties be performed by one state? Can one state protect us, and promote our happiness?...Virginia cannot do these things. How, then, can they be done? By the national government only” (226). This shows his understanding of strong derived sovereignty.

When the third Article comes to question, he says, “That many benefits will result from this to the members of the collective society, every one confesses. Unless its organization be defective, and so constructed as to injure, instead of accommodating, the convenience of the people, it merits our approbation” (551). He agrees with the Article at hand, but only to the extent that he thinks that a proper judiciary is necessary. He continues, “Gentlemen have gone on an idea that the federal courts will not determine the causes which may come before them with the same fairness and impartiality with which other courts decide. What are the reasons of this supposition” (552)? This further shows Mr. Marshall’s commitment to Article 3. He does have one problem however, “Has the government of the United States power to make laws on every subject? Does he understand it so? Can they make laws affecting the mode of transferring property, or contracts, or claims, between citizens of the same state? Can they go beyond the delegated powers? If they were to make a law not warranted by any of the powers enumerated, it would be considered by the judges as an infringement of the Constitution which they are to guard” (553). He doesn’t like Sec. 2 of this article, and presents some possible issues implied there. He continues to have more issues with the remaining sections,

Regarding principle sovereignty, Mr. Marshall says, “The state governments did not derive their powers from the general government; but each government derived its powers from the people, and each was to act according to the powers given it” (419). This shows his commitment to the people as principle as well as his understanding of strong derived sovereignty.

Mr. Grayson

Hybrid, State Governments, Weak

Mr. Grayson doesn't enter the debate until the middle of it, but once he does, he becomes very vocal in speaking against the Constitution. He opens by saying, "I do not pretend to say that the present Confederation is not defective. Its defects have been actually experienced. But I am afraid that they cannot be removed" (273). Mr. Grayson knows that the Confederation needs to be changed, but he doesn't think that these Articles are possible to change. He suggests a sort of hybrid between a union and a confederacy to resolve this problem. He says, "Under a supposition that mankind can govern themselves, I would recommend that the present Confederation should be amended" (278). He agrees that the people should be responsible and content with their government, but he doesn't think that a consolidation is a good answer either. He continues, "Give Congress the regulation of commerce. Infuse new strength and spirit into the state governments; for, when the component parts are strong, it will give energy to the government, although it be otherwise weak" (278). He tries to combine a union and a confederacy into a sort of hybrid system of government. He thinks that the states and the federal government should work together under the larger umbrella of the general government, rather than stripping the states of their power as the Constitution does.

Regarding derived sovereignty, Mr. Grayson says, "As to direct taxation -- give up this, and you give up every thing, as it is the highest act of sovereignty: surrender up this inestimable jewel, and you will throw away a pearl richer than all your tribe" (280). He doesn't like the grant of the purse to Congress, because then they are the sole central power. If Congress gets this power, then it will completely undermine the role of the state governments in Mr. Grayson's hybrid model shown here. Mr. Grayson continues to have issues with Secs. 8, 9 and 10 of the Constitution, and speaks against them in terms of derived sovereignty as well (pgs 280, 350, 371-372, respectively).

Speaking to Art. 2, he says, "The executive is still worse, in this respect, than the democratic branch. He is to be elected by a number of electors in the country; but the principle is changed when no person has a majority of the whole number of electors appointed, or when more than one have such a majority, and have an equal number of votes; for then the lower house is to vote by states" (490). Mr. Grayson is adamantly against Art. 2. He doesn't understand it and thinks it makes little sense. He continues, "How will you punish him if he abuse his power? Will you call him before the Senate? They are his counsellors and partners in crime. Where are your checks? We ought to be extremely cautious in this country. If ever the government be changed, it will probably be into a despotism" (491).

Mr. Grayson supports the state legislatures as principle sovereign. He says, "But have the people the power of making honest men be elected? If he be an honest man, and his wages so low that he could not pay for his expenses, he could not serve them if elected. But there are many thirsting after offices more than public good" (375). This shows his problem with the people as principle: he doesn't believe that the people have the proper knowledge or understanding of the government to be able to choose its representatives. He continues, "There are two sets always in that house -- one, the landed interest, the most patriotic and respectable; the other, a set of dependents and fortune hunters, who are elected for their own particular interest, and are willing to sell the interest of their constituents to the crown" (375). He thinks that representatives elected by the people will inevitably become corrupt and fueled by self-interest rather than the public

good. To solve this, he thinks that there should be more checks on who represents the will of the people in the general government. He, “acknowledged that all power was drawn from the people. But he could see none of those checks which ought to characterize free government” (421). By this understanding, Mr. Grayson supports the form of representation where the people would elect their state representatives, and the state representatives would select the representatives to the general government, so as to ensure attention to the job and lack of abuse of power.

When responding to Article 3, Mr. Grayson says, “With respect to the judiciary, my grand objection is, that it will interfere with the state judiciaries, in the same manner as the exercise of the power of direct taxation will interfere with the same power in the state governments; there being no superintending central power to keep in order these two contending jurisdictions” (563). He is also of the opinion that the federal judiciary undermines the state judiciaries. And, he agrees that the states should be the principle for the judiciaries rather than the general government/executive. He continues, “There is to be one Supreme Court — for chancery, admiralty, common pleas, and exchequer, (which great cases are left in England to four great courts,) to which are added criminal jurisdiction, and all cases depending on the law of nations — a most extensive jurisdiction. This court has more power than any court under heaven. One set of judges ought not to have this power — and judges, particularly, who have temptation always before their eyes” (564). This is Mr. Grayson’s understanding of how the judiciary should work.

Mr. Wythe

Union, People, Strong

Mr. Wythe enters the debate at the very end, and he supports the union structure of government. He says, “To perpetuate the blessings of freedom, happiness, and independence, he demonstrated the necessity of a firm, indissoluble union of the states” (586). He continues, “But the excellency of many parts of it could not be denied by its warmest opponents. He thought that experience was the best guide, and could alone develop its consequences” (587). This shows his commitment to the Constitution at hand, and it shows that he agrees with the grant of derived power given to the general government. This is because he supports ratification as it stands, meaning that he supports the grant of power already included in the language which is strong derived sovereignty. It also shows his commitment to the people as principle because this is presupposed with a union structure of government. Though these things cannot be definitively proven, they are likely, and so can be assumed as such.

Mr. Dawson

Hybrid, Weak

Mr. Dawson doesn't speak in the debate until the very end, where he provides his thoughts on the Constitution and all of its individual parts. He says, "But when I came to investigate it impartially, on the immutable principles of government, and to exercise that reason with which the God of nature hath endowed me, and which I will ever freely use, I was convinced of this important, though melancholy truth, — that the greatest men may err, and that their errors are sometimes of the greatest magnitude" (605-606). He doesn't support the ratification of the Constitution because he thinks that the representatives and other elected officials will abuse their power or be a poor choice for the country as a whole. He continues, "It may not, therefore, be improper for me to declare, that I am a warm friend to a firm, federal, energetic government; that I consider a confederation of the states, on republican principles, as a security to their mutual interests, and a disunion as injurious to the whole..." (606). Mr. Dawson, like Mr. Mason and Mr. Grayson, suggest a form of government other than simply a union or a confederacy. However, though he makes this suggestion he doesn't really explain fully what this means. He also doesn't speak to his understanding of principle sovereignty, only to his rejection of the union. To this end, it is likely that Mr. Dawson supports the state governments as principle, but there is not enough evidence to support this claim, so he is unclassifiable on the principle sovereignty dimension.

Mr. Dawson says that Section 8 "...appears to me to be big with unnecessary danger, and to reduce human nature, to which I would willingly pay a compliment did not the experience of all ages rise up against me, to too great a test" (608-609). He does not support Section 8, supposing that he has an understanding of weak derived sovereignty. He continues, "Exclusive, then, sir, of any consideration which arises from the particular system of American politics, the guard established against the exercise of this power is by far too slender" (610). This is Mr. Dawson's response to Article 2. He doesn't like the Article because he thinks that there aren't enough checks on the president.

He continues to speak to his understanding of the necessity of a Bill of Rights. He says, "...nor are the liberties of the people ascertained and protected by any declaration of rights; that inestimable privilege, (the most important which freemen can enjoy,) the trial by jury in all civil cases, has not been guarded by the system; — and while they have been inattentive to these all-important considerations" (610-611). He thinks that the Bill of Rights is necessary to having a secure government for the people. He agrees with the sentiments of Henry and Grayson and others that the grant of power derived in the Constitution is far too extensive with not enough protections. The Bill of Rights secures that the people would hold their individual rights and freedoms regardless of the potential abuse of power of the general government, because those rights could not be disputed.

Mr. Harrison

Union, Weak

Mr. Harrison mainly only contributes to the debate when called to for his committee of privileges and elections. He did say, however, “He added some observations on the plan of government; that it certainly would operate an infringement of the rights and liberties of the people; that he was amazed that gentlemen should attempt to misrepresent facts to persuade the Convention to adopt such a system; and that he trusted they would not ratify it as it then stood” (236). He says this after the appeal to Josiah Phillips from the opposition. He claims that the Federalists give a false account of his trial and story in order to show that the Constitution as drafted is better than the one already intact. He thinks that these tactics of deception are pathetic, and he calls for the stop of this. Further, he speaks to his understanding that the Constitution as it is written abuses the rights of the people. This shows his support for weak derived sovereignty. If he wants amendments and listed rights for the people (which would be the purpose of amendments), then he must see the grant of power as it’s written in the Constitution as being too extreme, and therefore he would want less.

Speaking to principle sovereignty, he says, “I call Heaven to witness that I am a friend to the Union. But I conceive the measure of adoption to be unwarrantable, precipitate, and dangerously impolitic” (629). Mr. Harrison does not speak to who he thinks should be principle, but rather states that he likes the union. Typically, this would align with classification of the delegate as resting principle sovereignty with the people, but this cannot be definitively said for Mr. Harrison. He says, “Can it be supposed that the little states, whose interest and importance are greatly advanced by the Constitution as it now stands, will ever agree to any alteration which must infallibly diminish their political influence” (627)? He is concerned with the role of the states in government, and he thinks that they should hold more power. This does not, however, say that he understands the states to be principle, so we are unable to classify Mr. Harrison on that point.

Mr. Innes

Union, People, Strong

Mr. Innes is completely silent until the very end of the debate. Here, he says, "...and every terrific and melancholy idea adduced to prevent what I think indispensably necessary for our national honor, happiness, and safety — I mean the adoption of the system under consideration" (632). Here, Mr. Innes clearly supports the adoption of the Constitution as proposed without amendments. He continues, "In my humble opinion, it transcends the power of this Convention to take it with previous amendments. If you take it so, I say that you transcend and violate the commission of the people; for, if it be taken with amendments, the opinions of the people at large ought to be consulted on them" (632). This shows his support for the Constitution as it stands as well as showing his understanding for the people as principle sovereign. Regarding derived sovereignty, he says, "Does not our existence as a nation depend on our union? Is it to be supposed that their principles will be so constuprated, and that they will be so blind to their own true interests, as to alienate the affections of the Southern States, and adopt measures which will produce discontents, and terminate in a dissolution of a union as necessary to their happiness as to ours? Will not brotherly affection rather be cultivated" (633)? To him, joining under a union is enough to settle any tension in derived sovereignty distinctions regarding the differences of states. Southern and northern states were fundamentally different in terms of most social aspects. Most delegates to this convention were concerned with this difference in culture and were worried that the derived powers of government would work to favor one region over another. Mr. Innes rejects this, saying that there is nothing more important to this issue than joining under a union because the government will not be allowed to choose favorites.

Mr. Johnson

Union, People, Strong

Mr. Johnson also doesn't speak until the end of the convention, saying "...my judgment is convinced of the safety and propriety of this system" (644). Mr. Johnson is in favor of ratification of the proposed system. He continues to discuss the implications of the people as principle sovereignty and also to agree that this is the correct method, saying, "...that I plainly see a security of the liberties of this country, to which we may safely trust" (645). He thinks that the checks already placed in the Constitution are sufficient enough to protect the people, showing his support for strong derived sovereignty. Given that Mr. Johnson has the understandings of the people as principle and strong derived sovereignty, it can also be assumed that he supports a union structure of government.

Mr. Stephen

Union, People, Strong

Mr. Stephen shows his support for a union when he first speaks. The convention reports, “He described, in a feeling manner, the unhappy situation of the country, and the absolute necessity of preventing a dismemberment of the confederacy” (642). Given that the understanding of a union presupposes the people being principle, it is reasonable to assume that Mr. Stephen supports the people as principle as well. Following this, Mr. Stephen gives a long fleeting metaphor for the Constitutional Convention and creation of the union, showing the distress she was under during creation. Within this speech, he says, “She further bewails that all she can raise by taxation is inadequate to her necessities” (643). This implies that Mr. Stephen agrees with the extensive grant of power to the general government, showing his support for strong derived sovereignty, because the power of taxation under the Articles does not support the general government enough, according to Mr. Stephen.